



State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-23161
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2011 BILL

Insect

By Monday, please

1 AN ^{Regen}ACT to repeal 440.60 (3), 440.60 (9), 440.63 (1) (a) 1., 440.63 (1) (a) 2. and
2 454.01 (5) (b); to renumber 454.01 (5) (c) and (d); to renumber and amend
3 440.08 (2) (a) 20., 440.60 (4), 440.60 (5), 440.60 (10), 440.62 (3) (a), 440.62 (5)
4 (b), 440.63 (1) (a) (intro.), 454.01 (6) and 454.01 (12); to consolidate,
5 renumber and amend 454.01 (5) (intro.) and (a); to amend 15.405 (17),
6 106.52 (1) (e) 1., 440.03 (13) (b) 13., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.08
7 (2) (a) 16., 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 19., 440.60 (14),
8 440.62 (1) (a), 440.62 (1) (c), 440.63 (1) (b), (c) and (d), 440.63 (3) (a) (intro.), 2.
9 and 4., 440.635, 440.64 (1) (a), chapter 454 (title), 454.01 (intro.), 454.01 (10),
10 454.01 (15), 454.02 (1), 454.02 (2) (intro.), 454.02 (3) (intro.), 454.04 (1) (a),
11 454.04 (1) (b), 454.04 (1) (d), 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06
12 (2) (intro.), (b) and (c), 454.06 (3) (intro.), (a), (b) and (d), 454.06 (4) (b) 1. and
13 2., 454.06 (5) (b) 1. and 2., 454.06 (6) (b) 1. and 2., 454.06 (7), 454.06 (10) (a),
14 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2) (a), 454.08 (2) (b), 454.08 (2)

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1 (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2), 454.10 (3) (a), 454.12 (intro.),
 2 454.13 (1) (intro.), 454.13 (2), 454.15 (1), 454.15 (2) (intro.), 454.15 (2) (a), 454.15
 3 (2) (c), 454.15 (2) (d), 454.15 (2) (i) and 454.16; and **to create** 15.405 (18), 440.03
 4 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13) (b) 19s., 440.08 (2) (a) 24b., 440.08
 5 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a) 24i., 440.08 (2) (a) 24k., 440.60 (5e),
 6 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62 (3) (ag), 440.62 (3) (ar) 4m.,
 7 440.62 (5) (b) 2., 440.63 (1) (am), 440.63 (3) (am), subchapter I (title) [precedes
 8 454.01], 454.01 (7m) (intro.), (a) and (b), 454.01 (11m), 454.01 (15m), 454.06
 9 (8m) and subchapter II of chapter 454 [precedes 454.20] of the statutes;
 10 **relating to:** separation of the licensing requirements for barbering and
 11 cosmetology, creation of the barbering examining board, and providing a
 12 penalty.

and cosmetology
 and one license for a barbering and cosmetology establishment

and the establishments themselves

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,

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licensed by the Barbering Examining Board

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 electrolysis.

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 electrolysis requires licensure as an electrologist. Also under current law, a licensed manager may manage any establishment where barbering and cosmetology, aesthetics, manicuring, or electrolysis 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 electrolysis unless the person also holds a license as an electrologist. A licensed cosmetology manager may manage any establishment where barbering, cosmetology, aesthetics, manicuring, or electrolysis 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.

by the Barbering Examining Board

or intends to manage an establishment where only those kinds of services are performed

by the Cosmetology Examining Board

or manager

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

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Inactive licenses

Under current law, a person who holds a barber^{ing} 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 (DPS) directly licenses barbering and cosmetology schools and specialty schools. A specialty school is one that concentrates in aesthetics, manicuring, or electrology. DPS 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, DPS also certifies instructors in barbering and cosmetology, aesthetics, manicuring, and electrology. DPS 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.

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Barbering Examining Board

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

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

1 **SECTION 1.** 15.405 (17) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 15.405 (17) ~~BARBERING AND COSMETOLOGY~~ COSMETOLOGY EXAMINING BOARD.
4 There is created a ~~barbering and~~ cosmetology examining board in the department of
5 safety and professional services. The ~~barbering and~~ cosmetology examining board
6 shall consist of 9 members appointed for 4-year terms. Four members shall be
7 licensed ~~barbers,~~ aestheticians, or cosmetologists, 2 members shall be public
8 members, one member shall be a representative of a private school of ~~barbering or~~
9 cosmetology, one member shall be a representative of a public school of ~~barbering or~~
10 cosmetology and one member shall be a licensed electrologist. Except for the 2
11 members representing schools, no member may be connected with or have any
12 financial interest in a ~~barbering or~~ cosmetology school.

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

14 15.405 (18) BARBERING EXAMINING BOARD. There is created a barbering
15 examining board in the department of safety and professional services. The
16 barbering examining board shall consist of 7 members appointed for 4-year terms.
17 Four members shall be licensed barbers, 2 members shall be public members, and
18 one member shall be a representative of a school of barbering. Except for the member
19 who is a representative of a school of barbering, no member may be connected with
20 or have any financial interest in a school of barbering.

21 **SECTION 3.** 106.52 (1) (e) 1. of the statutes is amended to read:

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1 106.52 (1) (e) 1. "Public place of accommodation or amusement" shall be
2 interpreted broadly to include, but not be limited to, places of business or recreation;
3 lodging establishments; restaurants; taverns; barber ~~or~~, cosmetologist, aesthetician,
4 electrologist, or manicuring establishments; nursing homes; clinics; hospitals;
5 cemeteries; and any place where accommodations, amusement, goods, or services are
6 available either free or for a consideration, subject to subd. 2.

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

8 440.03 (13) (b) 13. Barber ~~or cosmetologist~~.

9 **SECTION 5.** 440.03 (13) (b) 14. [✓]of the statutes is amended to read:

10 440.03 (13) (b) 14. Barbering ~~or cosmetology~~ instructor.

11 **SECTION 6.** 440.03 (13) (b) 15. [✓]of the statutes is amended to read:

12 440.03 (13) (b) 15. Barbering ~~or cosmetology~~ manager.

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

14 440.03 (13) (b) 19e. Cosmetologist.

15 **SECTION 8.** 440.03 (13) (b) 19m. of the statutes is created to read:

16 440.03 (13) (b) 19m. Cosmetology instructor.

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

18 440.03 (13) (b) 19s. Cosmetology manager.

19 **SECTION 10.** 440.08 (2) (a) 16. of the statutes is amended to read:

20 440.08 (2) (a) 16. Barbering [✓]~~or cosmetology~~ establishment: April 1 of each
21 odd-numbered year.

22 **SECTION 11.** 440.08 (2) (a) 17. of the statutes is amended to read:

23 440.08 (2) (a) 17. Barbering [✓]~~or cosmetology~~ instructor: April 1 of each
24 odd-numbered year.

25 **SECTION 12.** 440.08 (2) (a) 18. of the statutes is amended to read:

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

3 **SECTION 13.** 440.08 (2) (a) 19. of the statutes is amended to read:

4 440.08 (2) (a) 19. Barbering [√]or ~~cosmetology~~ school: April 1 of each
5 odd-numbered year.

6 **SECTION 14.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m.
7 and amended to read:

8 440.08 (2) (a) 15m. Barber [√]or ~~cosmetologist~~: April 1 of each odd-numbered
9 year.

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

11 440.08 (2) (a) 24b. Cosmetologist: April 1 of each odd-numbered year.

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

13 440.08 (2) (a) 24d. Cosmetology establishment: April 1 of each odd-numbered
14 year.

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

16 440.08 (2) (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

17 **SECTION 18.** 440.08 (2) (a) 24i. of the statutes is created to read:

18 440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

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

20 440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

21 **SECTION 20.** 440.60 (3) [√]of the statutes is repealed.

22 **SECTION 21.** 440.60 (4) of the statutes is renumbered 440.60 (4m) and amended
23 to read:

24 440.60 (4m) "Barbering [√]or ~~cosmetology~~" has the meaning specified in s. 454.01

25 (5) 454.20 (2). [√]

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

3 440.60 (4e) "Barber [✓]or cosmetologist" has the meaning specified in s. 454.01
4 (6) 454.20 (1).[✓]

5 SECTION 23. 440.60 (5e) of the statutes is created to read:

6 440.60 (5e) "Cosmetologist" has the meaning specified in s. 454.01 (6). 7e ✓

7 SECTION 24. 440.60 (5m) of the statutes is created to read:

8 440.60 (5m) "Cosmetology" has the meaning specified in s. 454.01 (6m). 7

9 SECTION 25. 440.60 (5s) of the statutes is created to read:

10 440.60 (5s) "Cosmetology manager" has the meaning specified in s. 454.01 (6s). ↑

11 SECTION 26. 440.60 (9) of the statutes is repealed.

12 SECTION 27. 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended
13 to read:

14 440.60 (4s) "Manager Barbering manager" has the meaning specified in s.
15 454.01 (12) 454.20 (3).[✓]

16 SECTION 28. 440.60 (14) of the statutes is amended to read:

17 440.60 (14) "School" means any facility, other than a specialty school, that
18 offers instruction in barbering [✓]or, cosmetology, aesthetics, electrology, or manicuring.

19 SECTION 29. 440.62 (1) (a) of the statutes is amended to read:

20 440.62 (1) (a) No person may operate a school unless the school holds a current
21 license as a school of barbering [✓]or, cosmetology, aesthetics, electrology, or
22 manicuring, as appropriate, issued by the department.

23 SECTION 30. 440.62 (1) (c) of the statutes is amended to read:

Precedes 440.60
Subchapter VI of chapter 440 of the statutes is amended to read:
] SUBCHAPTER VI
BARBERING
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1 440.62 (1) (c) No school may use the title "school of barbering[✓] or cosmetology"
2 or any similar title unless the school holds a current school of barbering or
3 cosmetology license issued by the department.

4 **SECTION 31.** 440.62 (1) (cm) of the statutes is created to read:

5 440.62 (1) (cm) No school may use the title "school of cosmetology" or any
6 similar title unless the school holds a current school of cosmetology license issued by
7 the department.

8 **SECTION 32.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and
9 440.62 (3) (ar) (intro.), 2., 3., 4. and 8. of the statutes, as renumbered, are amended
10 to read:

11 440.62 (3) (ar) *School of barbering[✓] or cosmetology license.* (intro.) The
12 department shall issue a school of barbering[✓] or cosmetology license to each school
13 that meets all of the following requirements:

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

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

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

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

3 **SECTION 33.** 440.62 (3) (ag) of the statutes is created to read:

4 440.62 (3) (ag) *School of barbering.* The department shall issue a school of
5 barbering license to each school that meets all of the following requirements:

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

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

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

14 4. If the school offers a course of theoretical instruction for apprentices under
15 s. 454.26, requires as a prerequisite to completion of the course of instruction for
16 those apprentices the completion of at least 288 training hours in not less than 9
17 weeks and not more than 2 years.

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

20 **SECTION 34.** 440.62 (3) (ar) 4m. of the statutes is created to read:

21 440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the
22 course of instruction satisfies the requirements under par. (ag) 2.

23 **SECTION 35.** 440.62 (5) (b) of the statutes is renumbered 440.62 (5) (b) 1. and
24 amended to read:

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

6 **SECTION 36.** 440.62 (5) (b) 2. of the statutes is created to read:

7 440.62 (5) (b) 2. The barbering examining board shall promulgate rules
8 prescribing the subjects required to be included in courses of instruction at schools
9 of barbering and establishing minimum standards for courses of instruction and
10 instructional materials and equipment at schools of barbering.

11 **SECTION 37.** 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a)
12 and amended to read:

13 440.63 (1) (a) No person may provide practical instruction in barbering ~~or~~
14 ~~cosmetology in a school of barbering or cosmetology~~ unless the person holds a current
15 barbering instructor or cosmetology instructor certificate issued by the department,
16 ~~except as follows:~~

17 **SECTION 38.** 440.63 (1) (a) 1. of the statutes is repealed. ✓

18 **SECTION 39.** 440.63 (1) (a) 2. of the statutes is repealed. ✓

19 **SECTION 40.** 440.63 (1) (am) of the statutes is created to read:

20 440.63 (1) (am) No person may provide practical instruction in cosmetology
21 unless the person holds a current cosmetology instructor certificate issued by the
22 department.

23 **SECTION 41.** 440.63 (1) (b), (c) and (d) of the statutes are amended to read:

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SECTION 41

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

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

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

10 SECTION 42. 440.63 (3) (a) (intro.), 2. and 4. of the statutes are amended to read:

11 440.63 (3) (a) *Barbering or cosmetology instructor certification.* (intro.) The
12 department shall issue a ~~barbering or cosmetology~~ instructor certificate to each
13 person who meets all of the following requirements:

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

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

18 SECTION 43. 440.63 (3) (am) of the statutes is created to read:

19 440.63 (3) (am) *Cosmetology instructor certification.* The department shall
20 issue a cosmetology instructor certificate to each person who meets all of the
21 following requirements:

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

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

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1 3. Completes 150 training hours of instructor training approved by the
2 department.

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

5 **SECTION 44.** 440.635 of the statutes is amended to read:

6 440.635 (1) No person may provide practical instruction in a specialty school
7 of aesthetics unless the person holds a current cosmetology manager license issued
8 by the cosmetology examining board or a current barbering or cosmetology instructor
9 or aesthetics instructor certificate issued by the department.

10 (2) No person may provide practical instruction in a specialty school of
11 electrology unless the person holds a current electrologist license and a current
12 cosmetology manager license issued by the cosmetology examining board or an
13 electrology instructor certificate issued by the department.

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

18 **SECTION 45.** 440.64 (1) (a) of the statutes is amended to read:

19 440.64 (1) (a) The department shall investigate the adequacy of the courses of
20 instruction and instructional materials and equipment at schools and specialty
21 schools and review those courses of instruction, instructional materials, and
22 equipment for compliance with minimum standards established by rules of the
23 barbering examining board or cosmetology examining board, as appropriate.

24 **SECTION 46.** Chapter 454 (title) of the statutes is amended to read:

25 **CHAPTER 454**

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BARBERING AND COSMETOLOGY EXAMINING BOARD

SECTION 47. Subchapter I (title) [precedes 454.01] of the statutes is created to read:

CHAPTER 454

SUBCHAPTER I

COSMETOLOGY EXAMINING BOARD

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

454.01 Definitions. (intro.) In this chapter ~~chapter~~ subchapter:

SECTION 49. 454.01 (5) (intro.) and (a) of the statutes are consolidated, renumbered 454.01 (5m) and amended to read:

11 454.01 (5m) "Barbering or cosmetology" means, for compensation, performing any one or a combination of the following practices: (a) Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair or beard of any person by any means has the meaning given in s. 454.20 (2).

SECTION 50. 454.01 (5) (b) of the statutes is repealed.

17 **SECTION 51.** 454.01 (5) (c) and (d) of the statutes are renumbered 454.01 (6m) (c) and (d).

SECTION 52. 454.01 (6) of the statutes is renumbered 454.01 (7e) and amended to read:

454.01 (7e) "~~Barber or cosmetologist~~ Cosmetologist" means a person who practices ~~barbering~~ or cosmetology.

SECTION 53. 454.01 (7m) (intro.), (a) and (b) of the statutes are created to read:

454.01 (7m) (intro.) "Cosmetology" means, for compensation, performing one or more of the following:

BILL

1 (a) Barbering.

2 (b) Aesthetics.

3 **SECTION 54.** 454.01 (10) of the statutes is amended to read:

4 454.01 (10) "Establishment" means any place in which barbering or
5 cosmetology, aesthetics, electrology, or manicuring is performed.

6 **SECTION 55.** 454.01 (11m) of the statutes is created to read:

7 454.01 (11m) "Inactive license" means a license issued under s. 454.06 (2) to
8 (6) that is classified as inactive by the examining board under s. 454.06 (8m).

9 **SECTION 56.** 454.01 (12) of the statutes is renumbered 454.01 (7s) and amended
10 to read:

11 454.01 (7s) "Manager Cosmetology manager" means a person who practices
12 barbering or cosmetology and who is responsible for supervising and managing the
13 operation of an establishment and ensuring that the establishment operates in
14 compliance with this chapter and rules promulgated by the examining board.

15 **SECTION 57.** 454.01 (15) of the statutes is amended to read:

16 454.01 (15) "Student" means a person who is not licensed to practice barbering
17 or cosmetology and who is engaged in learning the and not licensed to practice of
18 barbering or cosmetology, aesthetics, electrology, or manicuring at a school licensed
19 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under
20 s. 440.62 (4).

21 **SECTION 58.** 454.01 (15m) of the statutes is created to read:

22 454.01 (15m) "Theoretical instruction" has the meaning given in s. 440.60 (17).

23 **SECTION 59.** 454.02 (1) of the statutes is amended to read:

24 454.02 (1) Licenses A license to practice barbering or cosmetology ~~de~~ does not
25 confer the right to diagnose, prescribe for, or treat diseases or conditions except as

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see "insb."

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1 indicated in the definition of ~~barbering~~ or cosmetology in s. 454.01 (5) (6m) or under
2 the direction of a licensed and practicing physician.

3 SECTION 60. 454.02 (2) (intro.) of the statutes is amended to read:

4 454.02 (2) (intro.) ~~Barbering or cosmetology~~ Cosmetology, aesthetics,
5 electrology, and manicuring do not include any of the following:

6 SECTION 61. 454.02 (3) (intro.) of the statutes is amended to read:

7 454.02 (3) (intro.) ~~Barbering or cosmetology~~ Cosmetology, aesthetics, and
8 manicuring do not include any of the following:

9 SECTION 62. 454.04 (1) (a) of the statutes is amended to read:

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

17 SECTION 63. 454.04 (1) (b) of the statutes is amended to read:

18 454.04 (1) (b) No person may engage in aesthetics unless the person has
19 received training in the areas of service provided and holds a current aesthetician
20 license, ~~barber or cosmetologist~~ license, or cosmetology manager license, issued by
21 the examining board that is not an inactive license or temporary permit or training
22 permit issued by the examining board or is an apprentice under s. 454.10 or a student
23 in an aesthetics or ~~barbering~~ or cosmetology course of instruction.

24 SECTION 64. 454.04 (1) (d) of the statutes is amended to read:

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

SECTION 65. 454.04 (2) (a) of the statutes is amended to read:

8 454.04 (2) (a) No person may use the title "~~barber cosmetologist~~", "~~barber~~",
 9 "cosmetologist" or "~~hairstylist~~" or any other similar title unless the person holds a
 10 current ~~barber or~~ cosmetologist license or cosmetology manager license issued by the
 11 examining board that is not an inactive license.

SECTION 66. 454.04 (2) (b) of the statutes is amended to read:

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

SECTION 67. 454.04 (2) (d) of the statutes is amended to read:

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

SECTION 68. 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

23 454.06 (2) ~~BARBER OR COSMETOLOGIST~~ COSMETOLOGIST LICENSE. (intro.) The
 24 examining board shall issue a ~~barber or~~ cosmetologist license to any person who does
 25 all of the following:

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

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

7 **SECTION 69.** 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to
8 read:

9 454.06 (3) ~~MANAGER~~ COSMETOLOGY MANAGER LICENSE. (intro.) The examining
10 board shall issue a cosmetology manager license to any person who does all of the
11 following:

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

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

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

20 **SECTION 70.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

21 454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training
22 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~
23 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) (~~a~~) (ar) or (b) or
24 exempted under s. 440.61.

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

6 **SECTION 71.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

7 454.06 (5) (b) 1. A course of instruction in electrology of at least 450 training
8 hours in not less than 11 weeks and not more than 30 weeks, in a school of barbering
9 ~~or~~ cosmetology, or a school of electrology licensed under s. 440.62 (3) ~~(a)~~ (ar) or (c) or
10 exempted under s. 440.61.

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

16 **SECTION 72.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

17 454.06 (6) (b) 1. A course of instruction in manicuring of at least 300 training
18 hours in not less than 7 weeks and not more than 20 weeks, in a school of barbering
19 ~~or~~ cosmetology or a school of manicuring licensed under s. 440.62 (3) ~~(a)~~ (ar) or (d)
20 or exempted under s. 440.61.

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

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1 SECTION 73. 454.06 (7) of the statutes is amended to read:

2 454.06 (7) POSTING OF LICENSE CERTIFICATES. The examining board shall furnish
3 a certificate to each licensee, certifying that the holder is licensed to practice
4 ~~barbering~~[✓] or cosmetology, aesthetics, electrology, or manicuring or is a licensed
5 cosmetology manager. The licensee shall post the certificate in a conspicuous place
6 in the licensed establishment. A licensee who holds an inactive license may not post
7 a certificate for that inactive license.

8 SECTION 74. 454.06 (8m) of the statutes is created to read:

9 454.06 (8m) INACTIVE LICENSES. (a) Any person who has been issued a license
10 under subs. (2) to (6) may apply to the examining board to classify that license as
11 inactive. Upon application under this paragraph, the examining board may classify
12 a license as inactive if the examining board determines that the person who holds
13 that license is in good standing with the examining board and intends to refrain from
14 the practice that is authorized under the license during the period that the license
15 is an inactive license.

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

18 ~~(c)~~ (c) An inactive license is subject to sub. (8), except that the amount of the
19 renewal fee for an inactive license shall be one-half of the amount of the renewal fee
20 determined by the department for the license under s. 440.03 (9) (a).

21 (d) The examining board may remove the inactive classification of an inactive
22 license if the person who holds that inactive license applies to the examining board
23 to remove the inactive classification and the person meets any additional
24 requirements of the examining board.

BILL

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

SECTION 75. 454.06 (10) (a) of the statutes is amended to read:

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

SECTION 76. 454.07 (1) of the statutes is amended to read:

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

SECTION 77. 454.08 (1) (a) of the statutes is amended to read:

454.08 (1) (a) The examining board may promulgate rules permitting the provision of personal care barbering or cosmetology, aesthetics, electrology, or manicuring services outside of licensed establishments by barbers or cosmetologists, aestheticians, electrologists, and manicurists to persons who are unable to leave their homes because of illness or disability or who are in hospitals, nursing homes, correctional institutions, or other institutions.

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

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

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

2 454.08 (2) (a) A ~~barber or cosmetologist~~ cosmetology establishment license
3 which that authorizes the practice of barbering [✓] or, cosmetology, aesthetics,
4 electrology, and manicuring in the licensed establishment.

5 **SECTION 80.** 454.08 (2) (b) of the statutes is amended to read:

6 454.08 (2) (b) An ~~aesthetician~~ aesthetics establishment license which that
7 authorizes the practice of aesthetics in the licensed establishment.

8 **SECTION 81.** 454.08 (2) (c) of the statutes is amended to read:

9 454.08 (2) (c) An ~~electrologist~~ electrology establishment license which that
10 authorizes the practice of electrology in the licensed establishment.

11 **SECTION 82.** 454.08 (2) (d) of the statutes is amended to read:

12 454.08 (2) (d) A ~~manicurist~~ manicuring establishment license which that
13 authorizes the practice of manicuring in the licensed establishment.

14 **SECTION 83.** 454.08 (5) of the statutes is amended to read:

15 454.08 (5) A person who is not licensed under s. 454.06 by the examining board
16 may own or operate an establishment, but may not practice barbering [✓] or,
17 cosmetology, aesthetics, electrology, or manicuring.

18 **SECTION 84.** 454.08 (6) of the statutes is amended to read:

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

25 **SECTION 85.** 454.10 (2) of the statutes is amended to read:

BILL

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~~ or cosmetology in order to complete the apprenticeship program and be
4 eligible to take the examination for a ~~barber~~ or cosmetologist license. Apprentices
5 shall receive training for a total of at least 32 hours per week. The training shall be
6 completed in not less than 2 years and not more than 4 years.

7 **SECTION 86.** 454.10 (3) (a) of the statutes is amended to read:

8 454.10 (3) (a) No apprentice under this section may practice ~~barbering~~ or
9 cosmetology except under the supervision of a licensed cosmetology manager, whose
10 cosmetology license is not an inactive license, or under the supervision of a licensed
11 ~~barber~~ or cosmetologist, whose cosmetology license is not an inactive license ^{and} to whom
12 supervisory authority has been delegated by a licensed cosmetology manager. A
13 licensed cosmetology manager may only delegate supervisory authority to a licensed
14 ~~barber~~ or cosmetologist who has completed at least 2,000 hours of practice as a
15 licensed ~~barber~~ or cosmetologist.

16 **SECTION 87.** 454.12 (intro.) of the statutes is amended to read:

17 **454.12 Continuing education.** (intro.) The examining board may impose
18 continuing education requirements on licensees a person who holds a license under
19 this subchapter that is not an inactive license either:

20 **SECTION 88.** 454.13 (1) (intro.) of the statutes is amended to read:

21 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
22 440.05 (2), the examining board may issue a license to practice ~~barbering~~ or
23 cosmetology, aesthetics, electrology, or manicuring or to practice as a cosmetology
24 manager to an applicant who is licensed in another state or territory of the United
25 States or in another country to perform services ~~which~~ that are substantially the

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1 same as those performed by licensees in this state and to whom either of the following
2 applies:

3 **SECTION 89.** 454.13 (2) of the statutes is amended to read:

4 454.13 (2) The examining board may enter into reciprocal agreements with
5 officials of other states for licensing ~~barbers~~ or cosmetologists, aestheticians,
6 electrologists, manicurists, and cosmetology managers and grant licenses to persons
7 licensed in other states according to the terms of such an agreement.

8 **SECTION 90.** 454.15 (1) of the statutes is amended to read:

9 454.15 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
10 board may make investigations or conduct hearings to determine whether a person
11 has violated this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~
12 subchapter.

13 **SECTION 91.** 454.15 (2) (intro.) of the statutes is amended to read:

14 454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this
15 ~~chapter subchapter~~, the examining board may revoke, limit, suspend, or refuse to
16 issue or renew, in accordance with the severity of the violation, a license or permit
17 issued under this ~~chapter~~ subchapter or reprimand the holder of a license or permit
18 issued under this ~~chapter~~ subchapter if it finds that the holder or applicant has done
19 any of the following:

20 **SECTION 92.** 454.15 (2) (a) of the statutes is amended to read:

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

23 **SECTION 93.** 454.15 (2) (c) of the statutes is amended to read:

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1

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

Plain
2

4

SECTION 94. 454.15 (2) (d) of the statutes is amended to read:

5

454.15 (2) (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a

6

felony committed while engaged in the practice of ~~barbering~~ or cosmetology, aesthetics, electrology, or manicuring.

Plain
2

8

SECTION 95. 454.15 (2) (i) of the statutes is amended to read:

9

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

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11

SECTION 96. 454.16 of the statutes is amended to read:

12

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

16

SECTION 97. Subchapter II of chapter 454 [precedes 454.20] of the statutes is created to read:

18

CHAPTER 454

19

SUBCHAPTER II

20

BARBERING EXAMINING BOARD

21

454.20 Definitions. In this subchapter:

22

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

23

(2) "Barbering" means, for compensation, arranging, styling, dressing,

24

shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting,

BILL

1 shaving, trimming, relaxing, singeing, or performing similar work upon the hair of
2 the head, neck, or face of any person by any means.

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

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

6 (5) "Cosmetology" has the meaning given in s. 454.01 (7m).

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

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

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

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

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

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

19 (12) "Licensed cosmetology manager" means a person licensed by the
20 cosmetology examining board under s. 454.06 (3) whose license is not an inactive
21 license under s. 454.06 (8m).[√]

22 (13) "Student" has the meaning given in s. 454.01 (15).

23 (14) "Training hour" has the meaning given in s. 454.01 (16).

24 **454.21 Limitations and exceptions.** Barbering does not include any of the
25 following:

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

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

7 **454.22 Practice.** (1) No person may engage in barbering unless the person
8 is one of the following:

9 (a) A licensed barber.

10 (b) A licensed barbering manager.

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

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

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

15 (f) A licensed cosmetologist.

16 (g) A licensed cosmetology manager.

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

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

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

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

24 **454.23 Licensure.** (1) APPLICATION. An applicant for licensure under this
25 section shall submit an application to the board on a form prescribed by the board.

BILL

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

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

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

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

12 (d) The applicant graduates from a course of instruction in barbering of at least
13 1,800 training hours in barbering in not less than 10 months in a school of barbering
14 licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3)
15 (ar), or a school that is exempted under s. 440.61 or the applicant successfully
16 completes an apprenticeship under s. 454.26.

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

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

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

22 (b) The person completes 4,000 hours of practice as a licensed barber or licensed
23 cosmetologist under the supervision of a licensed barbering manager or licensed
24 cosmetology manager or completes 2,000 hours of practice as a licensed barber or
25 licensed cosmetologist and 150 training hours of theoretical instruction in barbering

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1 in a school of barbering licensed under s. 440.62 (3) (ag) or school of cosmetology
2 licensed under s. 440.62 (3) (ar) or exempted under s. 440.61.

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

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

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

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

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

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

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

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

BILL

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

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

7 **454.24 Examinations.** (1) The board shall, in accordance with s. 440.07 (2),
8 conduct examinations for barber licenses at least 8 times annually, at times and
9 places determined by the board.

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

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

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

BILL

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

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

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

16 (3) The board shall, by rule, establish minimum standards concerning the
17 maintenance, equipment, plans, and specifications for licensed barbering
18 establishments as they relate to the public health and safety. The board may not
19 license a barbering establishment under this section unless the establishment meets
20 the standards established by the board. A person proposing to open a barbering
21 establishment in a new location shall apply to the board for an inspection and
22 approval of the establishment, submitting an exact description and floor plan of the
23 proposed establishment on a form provided by the department.

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

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

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

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

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

17 **454.26 Apprenticeship.** (1) An apprentice in barbering shall be employed
18 under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the
19 apprenticeship rules of the department of workforce development, and the rules of
20 the board.

21 (2) An apprentice in barbering shall receive at least 3,712 hours of practical
22 training in barbering and at least 288 training hours of instruction in barbering in
23 a school of barbering or school of cosmetology in order to complete the apprenticeship
24 program and be eligible to take the examination for a barber license. An apprentice
25 in barbering shall receive training in barbering for a total of at least 32 hours per

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1 week. The training shall be completed in not less than 2 years and not more than
2 4 years.

3 (3) (a) An apprentice in barbering may not practice barbering except under the
4 supervision of a licensed barbering manager or licensed cosmetology manager or
5 under the supervision of a licensed barber or licensed cosmetologist to whom
6 supervisory authority has been delegated by a licensed barbering manager or
7 licensed cosmetology manager. A licensed barbering manager or licensed
8 cosmetology manager may only delegate supervisory authority to a licensed barber
9 or licensed cosmetologist who has completed at least 2,000 hours of practice as a
10 licensed barber or licensed cosmetologist.

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

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

17 **454.27 Licensees of other jurisdictions.** (1) Upon application and payment
18 of the fee specified in s. 440.05 (2), the board may grant a license to practice barbering
19 or to practice as a barbering manager to an applicant who is licensed in another state
20 or territory of the United States or in another country to perform services that are
21 substantially the same as those performed by a licensed barber or licensed barbering
22 manager in this state and to whom at least one of the following applies:

23 (a) The applicant has at least 4,000 hours of experience in licensed practice, has
24 never been disciplined by the licensing authority of another jurisdiction, and is not
25 a party to a proceeding before the licensing agency in which it is alleged that the

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1 applicant was negligent in the licensed practice or violated any law relating to the
2 licensed practice.

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

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

9 **454.28 Inspections.** (1) The department shall appoint inspectors under the
10 classified service to inspect licensed barbering establishments.

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

13 **454.285 Disclosure of temporary permit status.** A person practicing under
14 a temporary permit to practice barbering granted under s. 454.23 (7) shall, before
15 performing any barbering services, inform the person receiving the barbering service
16 that he or she is practicing under a temporary permit and that he or she has satisfied
17 all requirements except passage of an examination for a barbering license.

18 **454.29 Disciplinary proceedings and actions.** (1) Subject to the rules
19 promulgated under s. 440.03 (1), the board may make investigations or conduct
20 hearings to determine whether a person has violated this subchapter or any rule
21 promulgated under this subchapter

22 (2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter,
23 the board may revoke, limit, suspend, or refuse to issue or renew, in accordance with
24 the severity of the violation, a license or temporary permit granted under this
25 subchapter or reprimand the holder of a license or temporary permit granted under

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1 this subchapter if the board finds that the holder or applicant has done any of the
2 following:

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

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

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

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

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

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

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

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

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

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

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1 **454.295 Penalties.** Any person who violates this subchapter or any rule
2 promulgated under this subchapter shall be fined not less than \$100 nor more than
3 \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

4 **SECTION 98. Nonstatutory provisions.**

5 (1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS,
6 ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED
7 BARBERING OR COSMETOLOGY INSTRUCTORS.

8 (a) *Barbers.* Notwithstanding section 454.23 of the statutes, as created by this
9 act, and subject to a notification and renewal under this paragraph, on the effective
10 date of this ^{paragraph} ~~subsection~~, a person who, immediately prior to the effective date of this
11 ^{paragraph} ~~subsection~~, held a valid barber or cosmetologist license granted by the barbering and
12 cosmetology examining board, ^{STET} is considered to be a licensed barber, as defined in
13 section 454.20 (7) of the statutes, as created by this act, ^{and} the barbering examining
14 board shall issue a barber license to ^{that} the person under section 454.23 (2) of the
15 statutes, as created by this act, if the person notifies the barbering examining board
16 that the person intends to practice as a barber subject to subchapter II of chapter 454
17 of the statutes, as created by this act, and satisfies the applicable renewal
18 requirements for a barber license under section 440.08 of the statutes, as affected by
19 this act, before April 1, 2013.

20 (b) *Cosmetologists.* Notwithstanding section 454.06 (1) and (2) of the statutes,
21 as affected by this act, and subject to a notification and renewal under this
22 paragraph, on the effective date of this ^{paragraph} ~~subsection~~, a person who, immediately prior
23 to the effective date of this ^{paragraph} ~~subsection~~, held a valid barber or cosmetologist license
24 granted by the barbering and cosmetology examining board, ^{STET} is considered to be a
25 licensed cosmetologist, as defined in section 454.20 (10) of the statutes, as created

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1 by this act, ~~and~~ ^{the} cosmetology examining board shall issue a cosmetologist license
 2 to ~~the person~~ ^{that} under section 454.06 (2) of the statutes, as affected by this act, if the
 3 person notifies the cosmetology examining board that the person intends to practice
 4 as a cosmetologist subject to subchapter I of chapter 454 ^{of the statutes}, as created by this act, and
 5 satisfies the applicable renewal requirements for a cosmetologist license under
 6 section 440.08 of the statutes, as affected by this act, before April 1, 2013.

7 (c) *Barbering managers.* Notwithstanding section 454.23 ^{(1) and (3) ✓} of the statutes, as
 8 created by this act, and subject to a notification and renewal under this paragraph,
 9 on the effective date of this ^{paragraph} ~~subsection~~, a person who, immediately prior to the
 10 effective date of this ^{paragraph} ~~subsection~~, held a valid manager license granted by the
 11 barbering and cosmetology examining board, ^{STET ✓} is considered to be a licensed barbering
 12 manager, as defined in section 454.20 (9) of the statutes, as created by this act, ~~and~~
 13 the barbering examining board shall issue a barbering manager license to ~~the person~~
 14 under section 454.23 ^{(1) (3)} of the statutes, as created by this act, if the person notifies
 15 the barbering examining board that the person intends to practice as a barbering
 16 manager subject to subchapter II of chapter 454 ^{of the statutes}, as created by this act, and satisfies
 17 the applicable renewal requirements for a barbering manager license under section
 18 440.08 of the statutes, as affected by this act, before April 1, 2013.

19 (d) *Cosmetology managers.* Notwithstanding section 454.06 (1) and (3) of the
 20 statutes, as affected by this act, and subject to a notification and renewal under this
 21 paragraph, on the effective date of this ^{paragraph} ~~subsection~~, a person who, immediately prior
 22 to the effective date of this ^{paragraph} ~~subsection~~, held a valid manager license granted by the
 23 barbering and cosmetology examining board, ^{STET ✓} is considered to be a licensed
 24 cosmetology manager, as defined in section 454.20 (12) of the statutes, as created by
 25 this act, ~~and~~ the cosmetology examining board shall issue a cosmetology manager

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1 license to ^{that} the person under section 454.06 (3) of the statutes, as affected by this act,
 2 if the person notifies the cosmetology examining board that the person intends to
 3 practice as a cosmetology manager subject to subchapter I of chapter 454, ^{of the statutes} as created
 4 by this act, and satisfies the applicable renewal requirements for a cosmetology
 5 manager license under section 440.08 of the statutes, as affected by this act, before
 6 April 1, 2013.

7 (e) *Barbering establishments.* Notwithstanding section 454.25 of the statutes,
 8 as created by this act, and subject to a notification and renewal under this paragraph,
 9 on the effective date of this ^{paragraph} ~~subsection~~, an establishment, as defined under section
 10 454.01 (10) of the statutes, that, immediately prior to the effective date of this
 11 ^{paragraph} ~~subsection~~, held a valid barbering or cosmetologist establishment license granted by
 12 the barbering and cosmetology examining board, is considered to be a licensed
 13 barbering establishment, as defined in section 454.20 (8) of the statutes, as created
 14 by this act, ~~and~~ the barbering examining board shall issue a barbering establishment
 15 license for ^{that} the establishment under section 454.25 (2) of the statutes, as created by
 16 this act, if an authorized representative of the establishment notifies the barbering
 17 examining board that the establishment will be maintained as a barbering
 18 establishment subject to subchapter II of chapter 454, ^{of the statutes} as created by this act, and the
 19 applicable renewal requirements for a barbering establishment license under
 20 section 440.08 of the statutes, as affected by this act, are satisfied for the
 21 establishment before April 1, 2013.

22 (f) *Cosmetology establishments.* Notwithstanding section 454.08 of the
 23 statutes, as affected by this act, and subject to a notification and renewal under this
 24 paragraph, on the effective date of this ^{paragraph} ~~subsection~~, an establishment, as defined
 25 under section 454.01 (10) of the statutes, ^{as affected by this act,} that, immediately prior to the effective date

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1 of this ^{paragraph} ~~subsection~~, held a valid barbering or cosmetologist establishment license
 2 granted by the barbering and cosmetology examining board, is considered to be a
 3 licensed cosmetology establishment, as defined in section 454.20 (11) of the statutes,
 4 as created by this act, ~~and~~ the cosmetology examining board shall issue a
 5 cosmetology establishment license for ~~the~~ establishment under section 454.08 (2) (a)
 6 of the statutes, as affected by this act, if an authorized representative of the
 7 establishment notifies the cosmetology examining board that the establishment will
 8 be maintained as a cosmetology establishment subject to subchapter I of chapter 454
 9 as created by this act, and the applicable renewal requirements for a cosmetology
 10 establishment license under section 440.08 of the statutes, as affected by this act, are
 11 satisfied for the establishment before April 1, 2013.

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

of the statutes

services

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1 (h) *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) of the
 2 statutes, as created by this act, and subject to a notification and renewal under this
 3 paragraph, on the effective date of this ^{paragraph} ~~subsection~~, a school, as defined in section
 4 440.60 (14) of the statutes, ^{as affected by this act,} (that, immediately prior to the effective date of this
 5 ^{paragraph} ~~subsection~~, held a valid school of barbering or cosmetology license granted by the
 6 department ^{of safety and professional services,} is considered to be a licensed school of cosmetology under subchapter VI
 7 of chapter 440 of the statutes, as affected by this act, ~~and~~ ^{of safety and professional services} the department shall issue
 8 a school of barbering license to ^{that} the school under section 440.62 (3) (ar) of the statutes,
 9 as created by this act, if an authorized representative of the school notifies the
 10 department ^{of safety and professional services} that the school will be maintained as a school of cosmetology subject to
 11 subchapter VI of chapter 440 of the statutes, as affected by this act, and the
 12 applicable renewal requirements for a school of cosmetology license under section
 13 440.08 of the statutes, as affected by this act, are satisfied for the school before April
 14 1, 2013.

15 (i) *Barbering instructors.* Notwithstanding section 440.63 (3) (a) of the
 16 statutes, as affected by this act, and subject to a notification and renewal under this
 17 paragraph, on the effective date of this ^{paragraph} ~~subsection~~, a person who, immediately prior
 18 to the effective date of this ^{paragraph} ~~subsection~~, held a valid barbering or cosmetology
 19 instructor certificate granted by the department ^{of safety and professional services} is considered to be a certified
 20 barbering instructor under subchapter VI of chapter 440 of the statutes, as affected
 21 by this act, ~~and~~ ^{of safety and professional services} the department shall issue a barbering instructor certificate to the
 22 person under section 440.63 (3) (a) of the statutes, as affected by this act, if the person
 23 notifies the department ^{of safety and professional services} that the person intends to act as a barbering instructor
 24 subject to subchapter VI of chapter 440, as affected by this act, and satisfies the

of the statutes

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

3 (j) *Cosmetology instructors*. Notwithstanding section 440.63 (3) (am) of the
4 statutes, as created by this act, and subject to a notification and renewal under this
5 paragraph, on the effective date of this ^{paragraph} subsection, a person who, immediately prior
6 to the effective date of this ^{paragraph} subsection, held a valid barbering or cosmetology
7 instructor certificate granted by the department ^{of safety and professional services} is considered to be a certified
8 cosmetology instructor under subchapter VI of chapter 440 of the statutes, as
9 affected by this act, ^{of safety and professional services} and the department ^{shall} issue a cosmetology instructor
10 certificate to ^{that} the person under section 440.63 (3) (am) of the statutes, as created by
11 this act, if the person notifies the department ^{of safety and professional services} that the person intends to act as a
12 cosmetology instructor subject to subchapter VI of chapter 440 ^{of the statutes}, as affected by this
13 act, and satisfies the applicable renewal requirements for a cosmetology instructor
14 certificate under section 440.08 of the statutes, as affected by this act, before April
15 1, 2013.

16 (2) RULES AND ORDERS. All rules promulgated by the barbering and cosmetology
17 examining board that are primarily related to the licensure of barbers, barbering
18 managers, or barbering establishments, except continuing education requirements,
19 or that are primarily related to schools of barbering, all as determined by the
20 secretary of safety and professional services (secretary), that are in effect on the
21 effective date of this subsection remain in effect until their specified expiration dates
22 or until amended or repealed by the barbering examining board. All orders issued
23 by the barbering and cosmetology examining board relating to such licensure or
24 schools, as determined by the secretary, that are in effect on the effective date of this

BILL

1 subsection remain in effect until their specified expiration dates or until modified or
2 rescinded by the barbering examining board.

3 (3) PENDING MATTERS. Any matter pending with the cosmetology examining
4 board on the effective date of this subsection that is primarily related to the licensure
5 of barbers, barbering managers, or barbering establishments, as determined by the
6 secretary, is transferred to the barbering examining board, and all materials
7 submitted to or actions taken by the barbering and cosmetology examining board
8 with respect to those pending matters are considered as having been submitted to
9 or taken by the barbering examining board.

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

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

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

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1 **#** INITIAL APPOINTMENTS. Notwithstanding the lengths of terms specified in
2 section 15.405 (18) of the statutes, as created by this act, the initial members of the
3 barbering examining board shall be appointed for the following terms:

4 (a) Two barbers licensed under ^{Section} ~~454.23~~ (2) of the statutes, as created by this act,
5 for terms expiring on July 1, 2014.

6 (b) Two barbers licensed under ^{Section} ~~454.23~~ (2) of the statutes, as created by this act,
7 for terms expiring on July 1, 2014.

8 (c) ~~Two~~ ^{two} public members, for terms expiring on July 1, 2015.

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

11 **SECTION 99. Effective date.**

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

13 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2316/1insb.
MPG:.....

1 INSERT A-1

[merge with text], renames the board the Cosmetology Examining Board, and creates the Barbering Examining Board for the regulation of barbering in this state. Under the bill, the Cosmetology Examining Board continues to regulate the practice of cosmetologists, aesthetists, manicurists, and electrologists.

The members of the Barbering Examining Board are as follows:

1. Four members who are licensed barbers.
2. Two members who are public members.
3. One member who is a representative of a school of barbering.

Appoints the ~~The members of the Barbering Examining Board are appointed by the~~ governor to serve staggered four-year terms.

Move

2 END INSERT A-1

3 INSERT A-2

Under the bill, the Barbering Examining Board establishes initial licensure requirements for barbers and barbering managers that are independent of those for cosmetologists. The bill eliminates any continuing education requirements for barbers.

Also under the bill, the Barbering Examining Board regulates and licenses establishments where only barbering may take place. The Cosmetology Examining Board regulates and licenses establishments where the practices of cosmetology, aesthetics, manicuring, or electrology may take place, in addition to barbering.

4 END INSERT A-2

5 INSERT 15-5

6 SECTION ~~4~~ 454.01 (11) of the statutes is amended to read:

7 454.01 (11) "Examining board" means the ~~barbering and~~ cosmetology
8 examining board.

History: 1987 a. 265.

9 END INSERT 15-5

10 INSERT 16-23

11 SECTION 2. 454.04 (1) (c) of the statutes is amended to read:

12 454.04 (1) (c) ~~No~~ person may engage in electrology unless the person holds a
13 ~~current electrologist license issued by the examining board that is not an inactive~~

1

~~license or~~ temporary permit or training permit issued by the examining board or is
2 a student in an electrology course of instruction.

History: 1987 a. 265; 1995 a. 231.

3

END INSERT 16-23

4

INSERT 17-16

5

~~SECTION #~~ 454.04 (2) (c) of the statutes is amended to read:

6

454.04 (2) (c) No person may use the title "electrologist" or any other similar

7

title unless the person holds a current electrologist license issued by the examining

8

board that is not an inactive license.

History: 1987 a. 265; 1995 a. 231.

9

END INSERT 17-16

10

INSERT 25-10

11

~~SECTION #~~ 454.15 (2) (j) of the statutes is created to read:

12

454.15 (2) (j) Violated subch. II or any rule promulgated under subch. II.

13

END INSERT 25-10

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2316/1dn

MPG:wlj:ph

stays

February 9, 2012

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 subchapter II in chapter 454 that covers the regulation of barbering (as well as subchapter 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.

and barbering or
cosmetology

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

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

LRB-2316/1dn
MPG:wlj:ph

February 9, 2012

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The draft grandfathers-in current barbers or cosmetologists and barbering or cosmetology 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.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

Parisi, Lori

From: Mattke, Rachel
Sent: Thursday, February 16, 2012 1:56 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2316/1 Topic: Separate cosmetology and barbering licensure

Please Jacket LRB 11-2316/1 for the SENATE.