



State of Wisconsin *THANKS!*
2011 - 2012 LEGISLATURE

Today 3/1



LRBs03640
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Stays

SENATE SUBSTITUTE AMENDMENT,
TO 2011 SENATE BILL 489

Insert

Zeger

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

1 (10) (a), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2) (a), 454.08 (2) (b),
 2 454.08 (2) (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2), 454.10 (3) (a),
 3 454.12 (intro.), 454.13 (1) (intro.), 454.13 (2), 454.15 (1), 454.15 (2) (intro.),
 4 454.15 (2) (a), 454.15 (2) (c), 454.15 (2) (d), 454.15 (2) (i) and 454.16; and **to**
 5 **create** 15.405 (18), 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13) (b) 19s.,
 6 440.08 (2) (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a) 24i.,
 7 440.08 (2) (a) 24k., 440.60 (5e), 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62
 8 (3) (ag), 440.62 (3) (ar) 4m., 440.62 (5) (b) 2., 440.63 (1) (am), 440.63 (3) (am),
 9 subchapter I (title) [precedes 454.01], 454.01 (7m) (intro.), (a) and (b), 454.01
 10 (11m), 454.01 (15m), 454.04 (1m), 454.06 (8m), 454.15 (2) (j) and subchapter II
 11 of chapter 454 [precedes 454.20] of the statutes; **relating to:** separation of the
 12 licensing requirements for barbering and cosmetology, ^{regulation of} the practice of barbers
 13 and cosmetologists, creation of the barbering examining board, and providing
 14 a penalty.

granting rule-making authority ↗

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, electrologists, managers of establishments where any of those practices are performed, and the establishments themselves. 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, and one license for a barbering and cosmetology establishment. The board issues separate licenses for aesthetists, manicurists, and electrologists, defined below.

This substitute amendment establishes licensure requirements related to barbering that are independent of the requirements related to cosmetology, renames the board the Cosmetology Examining Board, and creates the Barbering Examining Board for the regulation of barbering in this state. Under the substitute amendment, the Cosmetology Examining Board continues to regulate the practice of cosmetologists, aesthetists, manicurists, and electrologists.

places

directly under the Department of Safety and Professional Services (DSPS), which is required under the substitute

amendment to appoint an advisory committee to assist DSPS

Under the substitute amendment, 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~~.

The governor appoints the members of the Barbering Examining Board to serve staggered four-year terms.

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 substitute amendment, a person who is licensed by the Barbering Examining Board solely as a barber or barbering manager may practice only barbering or manage only a barbering establishment licensed by the Barbering Examining Board, and such a person may use titles associated only with barbering. The substitute amendment 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 substitute amendment specifies that barbering does not include the removal of a person's hair at the root. Additionally, under the substitute amendment, barbering does not include the application of temporary or permanent eyelash extensions to the eyelashes of a person.

The substitute amendment 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 substitute amendment, a

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person who is licensed by the Cosmetology Examining Board 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. No license is required under the substitute amendment for the use of thread to remove hair from the eyebrow, upper lip, or other area of the face of a person. Under the substitute amendment, a licensed cosmetology manager may manage any establishment where barbering, cosmetology, aesthetics, manicuring, or electrology is performed.

Similarly, under the substitute amendment, 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 or manager, whether or not that person intends to provide solely services that are traditionally associated with barbering, such as shaving and cutting hair, or intends to manage an establishment where only those kinds of services are performed. 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.

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

Also under the substitute amendment, 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.

Inactive licenses

Under current law, a person who holds a barbering 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 substitute amendment, any person to whom the Cosmetology Examining Board or the Barbering Examining Board has issued a license may apply to the appropriate board to have that license classified as inactive. The Cosmetology Examining Board or the Barbering Examining Board may classify a license as inactive if the licensed person is otherwise in good standing with the appropriate 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

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DSPS, in the case of a barber or barbering manager license, 1

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active status is returned ~~by the appropriate board~~ or unless the work performed is minimal, ~~as determined by the appropriate 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 substitute amendment establishes licensure requirements for barbering schools that are independent of the requirements for cosmetology schools. Under the substitute amendment, 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 barbering, aesthetics, manicuring, and electrology if certain requirements relating to instruction in each of those practices are met.

Similarly, the substitute amendment establishes certification requirements for barbering instructors that are independent of the certification requirements for cosmetology instructors. Under the substitute amendment, a certified barbering instructor may provide instruction in barbering. A certified cosmetology instructor may provide instruction in barbering, cosmetology, aesthetics, and manicuring.

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~~

1 cosmetology, one member shall be a representative of a public school of ~~barbering or~~
2 cosmetology and one member shall be a licensed electrologist. Except for the 2
3 members representing schools, no member may be connected with or have any
4 financial interest in a ~~barbering or~~ cosmetology school.

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

6 15.405 ~~(18)~~ BARBERING EXAMINING BOARD. There is created a barbering
7 examining board in the department of safety and professional services. The
8 barbering examining board shall consist of 7 members appointed for 4-year terms.
9 Four members shall be licensed barbers, 2 members shall be public members, and
10 one member shall be a representative of a school of barbering. ~~Except for the member~~
11 ~~who is a representative of a school of barbering, no member may be connected with~~
12 or have any financial interest in a school of barbering.

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

14 106.52 (1) (e) 1. "Public place of accommodation or amusement" shall be
15 interpreted broadly to include, but not be limited to, places of business or recreation;
16 lodging establishments; restaurants; taverns; barber ~~or~~ cosmetologist, aesthetician,
17 electrologist, or manicuring establishments; nursing homes; clinics; hospitals;
18 cemeteries; and any place where accommodations, amusement, goods, or services are
19 available either free or for a consideration, subject to subd. 2.

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

21 440.03 (13) (b) 13. Barber ~~or~~ cosmetologist.

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

23 440.03 (13) (b) 14. Barbering ~~or~~ cosmetology instructor.

24 **SECTION 6.** 440.03 (13) (b) 15. of the statutes is amended to read:

25 440.03 (13) (b) 15. Barbering ~~or~~ cosmetology manager.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SECTION 14.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m.

20 and amended to read:

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

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

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

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

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

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

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

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

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

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

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

9 **SECTION 20.** 440.60 (3) of the statutes is repealed.

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

12 440.60 (4m) "~~Barbering or cosmetology~~" has the meaning specified in s. ~~454.01~~
13 (5) 454.20 (2).

14 **SECTION 22.** 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended
15 to read:

16 440.60 (4e) "~~Barber or cosmetologist~~" has the meaning specified in s. ~~454.01~~
17 (6) 454.20 (1).

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

19 440.60 (5e) "Cosmetologist" has the meaning specified in s. 454.01 (7e).

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

21 440.60 (5m) "Cosmetology" has the meaning specified in s. 454.01 (7m).

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

23 440.60 (5s) "Cosmetology manager" has the meaning specified in s. 454.01 (7s).

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

1 **SECTION 27.** 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended
2 to read:

3 440.60 (4s) "~~Manager~~ Barbering manager" has the meaning specified in s.
4 ~~454.01 (12)~~ 454.20 (3).

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

6 440.60 (14) "School" means any facility, other than a specialty school, that
7 offers instruction in barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring.

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

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

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

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

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

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

20 **SECTION 32.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and
21 440.62 (3) (ar) (intro.), 2., 3., 4. and 8. of the statutes, as renumbered, are amended
22 to read:

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

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

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

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

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

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

16 440.62 (3) (ag) *School of barbering.* The department shall issue a school of
17 barbering license to each school that meets all of the following requirements:

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

19 2. Requires as a prerequisite to graduation completion of a course of instruction
20 in barbering of at least ^{1,000} ~~1,800~~ training hours in not less than 10 months. The course
21 of instruction may not exceed 8 training hours in any one day for any student or 48
22 hours in any one week for any student.

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

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

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

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

8 440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the
9 course of instruction satisfies the requirements under par. (ag) 2.

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

12 440.62 (5) (b) 1. The cosmetology examining board shall promulgate rules
13 prescribing the subjects required to be included in courses of instruction at schools
14 of cosmetology and specialty schools and establishing minimum standards for
15 courses of instruction and instructional materials and equipment at schools of
16 cosmetology and specialty schools.

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

18 440.62 (5) (b) 2. The barbering examining board shall promulgate rules
19 prescribing the subjects required to be included in courses of instruction at schools
20 of barbering and establishing minimum standards for courses of instruction and
21 instructional materials and equipment at schools of barbering.

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

24 440.63 (1) (a) No person may provide practical instruction in barbering or
25 cosmetology in a school of barbering or cosmetology unless the person holds a current

1 barbering instructor or cosmetology instructor certificate issued by the department,
2 ~~except as follows:~~

3 SECTION 38. 440.63 (1) (a) 1. of the statutes is repealed.

4 SECTION 39. 440.63 (1) (a) 2. of the statutes is repealed.

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

6 440.63 (1) (am) No person may provide practical instruction in cosmetology
7 unless the person holds a current cosmetology instructor certificate issued by the
8 department.

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

10 440.63 (1) (b) No person may provide practical instruction in ~~a school of~~
11 aesthetics unless the person holds a current ~~barbering or cosmetology instructor or~~
12 aesthetics instructor or cosmetology instructor certificate issued by the department.

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

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

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

20 440.63 (3) (a) ~~Barbering or cosmetology instructor certification.~~ (intro.) The
21 department shall issue a barbering ~~or cosmetology~~ instructor certificate to each
22 person who meets all of the following requirements:

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

↓
department

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

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

4 440.63 (3) (am) *Cosmetology instructor certification.* The department shall
5 issue a cosmetology instructor certificate to each person who meets all of the
6 following requirements:

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

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

10 3. Completes 150 training hours of instructor training approved by the
11 department.

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

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

15 440.635 (1) No person may provide practical instruction in a specialty school
16 of aesthetics unless the person holds a current cosmetology manager license issued
17 by the cosmetology examining board or a current ~~barbering or~~ cosmetology instructor
18 or aesthetics instructor certificate issued by the department.

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

23 (3) No person may provide practical instruction in a specialty school of
24 manicuring unless the person holds a current cosmetology manager license issued

1 by the cosmetology examining board or a current ~~barbering~~ or cosmetology instructor
2 or manicuring instructor certificate issued by the department.

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

4 440.64 (1) (a) The department shall investigate the adequacy of the courses of
5 instruction and instructional materials and equipment at schools and specialty
6 schools and review those courses of instruction, instructional materials, and
7 equipment for compliance with minimum standards established by rules of the
8 barbering examining board or cosmetology examining board, as appropriate.

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

10 CHAPTER 454

11 BARBERING AND COSMETOLOGY EXAMINING BOARD

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

14 department

15 CHAPTER 454

16 SUBCHAPTER I

17 COSMETOLOGY EXAMINING BOARD

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

19 454.01 **Definitions.** (intro.) In this chapter subchapter:

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

22 454.01 (5m) "Barbering or cosmetology" means, for compensation, performing
23 any one or a combination of the following practices: (a) ~~Arranging, styling, dressing,~~
24 ~~shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting,~~
25 ~~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).

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

2 **SECTION 51.** 454.01 (5) (c) and (d) of the statutes are renumbered 454.01 (7m)
3 (c) and (d), and 454.01 (7m) (d) of the statutes, as renumbered, is amended to read:

4 454.01 (7m) (d) The removal of hair of any person at the root, except by use of
5 an electric needle.

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

8 454.01 (7e) "~~Barber or cosmetologist~~ Cosmetologist" means a person who
9 practices ~~barbering or~~ cosmetology.

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

11 454.01 (7m) (intro.) "Cosmetology" means, for compensation, performing one
12 or more of the following:

13 (a) Barbering.

14 (b) Aesthetics.

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

16 454.01 (10) "Establishment" means any place in which barbering ~~or~~,
17 cosmetology, aesthetics, electrology, or manicuring is performed.

18 **SECTION 55.** 454.01 (11) of the statutes is amended to read:

19 454.01 (11) "Examining board" means the ~~barbering and~~ cosmetology
20 examining board.

21 **SECTION 56.** 454.01 (11m) of the statutes is created to read:

22 454.01 (11m) "Inactive license" means a license issued under s. 454.06 (2) to
23 (6) that is classified as inactive by the examining board under s. 454.06 (8m).

24 **SECTION 57.** 454.01 (12) of the statutes is renumbered 454.01 (7s) and amended
25 to read:

1 454.01 (7s) "~~Manager~~ Cosmetology manager" means a person who practices
2 ~~barbering or~~ cosmetology and who is responsible for ~~supervising and~~ managing the
3 operation of an establishment ~~and ensuring that the establishment operates in~~
4 ~~compliance with this chapter and rules promulgated by the examining board.~~

5 **SECTION 58.** 454.01 (15) of the statutes is amended to read:

6 454.01 (15) "Student" means a person who is ~~not licensed to practice barbering~~
7 ~~or cosmetology and who is engaged in learning the~~ and not licensed to practice of
8 barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring at a school licensed
9 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under
10 s. 440.62 (4).

11 **SECTION 59.** 454.01 (15m) of the statutes is created to read:

12 454.01 (15m) "Theoretical instruction" has the meaning given in s. 440.60 (17).

13 **SECTION 60.** 454.02 (1) of the statutes is amended to read:

14 454.02 (1) Licenses A license to practice ~~barbering or~~ cosmetology ~~do~~ does not
15 confer the right to diagnose, prescribe for, or treat diseases or conditions except as
16 indicated in the definition of ~~barbering or~~ cosmetology in s. 454.01 (5) (7m) or under
17 the direction of a licensed and practicing physician.

18 **SECTION 61.** 454.02 (2) (intro.) of the statutes is amended to read:

19 454.02 (2) (intro.) ~~Barbering or~~ cosmetology Cosmetology, aesthetics,
20 electrology, and manicuring do not include any of the following:

21 **SECTION 62.** 454.02 (3) (intro.) of the statutes is amended to read:

22 454.02 (3) (intro.) ~~Barbering or~~ cosmetology Cosmetology, aesthetics, and
23 manicuring do not include any of the following:

24 **SECTION 63.** 454.04 (1) (a) of the statutes is amended to read:

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

8 **SECTION 64.** 454.04 (1) (b) of the statutes is amended to read:

9 454.04 (1) (b) No person may engage in aesthetics unless the person has
10 received training in the areas of service provided and holds a current aesthetician
11 license, ~~barber or~~ cosmetologist license, or cosmetology manager license, issued by
12 the examining board that is not an inactive license or temporary permit or training
13 permit issued by the examining board or is an apprentice under s. 454.10 or a student
14 in an aesthetics ~~or barbering or~~ cosmetology course of instruction.

15 **SECTION 65.** 454.04 (1) (c) of the statutes is amended to read:

16 454.04 (1) (c) No person may engage in electrology unless the person holds a
17 current electrologist license, issued by the examining board that is not an inactive
18 license or temporary permit or training permit issued by the examining board or is
19 a student in an electrology course of instruction.

20 **SECTION 66.** 454.04 (1) (d) of the statutes is amended to read:

21 454.04 (1) (d) No person may engage in manicuring unless the person has
22 received training in the areas of service provided and holds a current manicurist
23 license, ~~barber or~~ cosmetologist license, or cosmetology manager license, issued by
24 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 under s. 454.10 or a student
2 in a manicuring ~~or barbering~~ or cosmetology course of instruction.

3 **SECTION 67.** 454.04 (1m) of the statutes is created to read:

4 454.04 (1m) No license is required under this subchapter for the use of thread
5 to remove hair from the eyebrow, upper lip, or other area of the face of a person.

6 **SECTION 68.** 454.04 (2) (a) of the statutes is amended to read:

7 454.04 (2) (a) No person may use the title "~~barber cosmetologist~~", "~~barber~~",
8 "cosmetologist" or "~~hairstylist~~" or any other similar title unless the person holds a
9 current ~~barber or~~ cosmetologist license or cosmetology manager license issued by the
10 examining board that is not an inactive license.

11 **SECTION 69.** 454.04 (2) (b) of the statutes is amended to read:

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

16 **SECTION 70.** 454.04 (2) (c) of the statutes is amended to read:

17 454.04 (2) (c) No person may use the title "electrologist" or any other similar
18 title unless the person holds a current electrologist license issued by the examining
19 board that is not an inactive license.

20 **SECTION 71.** 454.04 (2) (d) of the statutes is amended to read:

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

25 **SECTION 72.** 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

1 454.06 (2) ~~BARBER OR COSMETOLOGIST~~ COSMETOLOGIST LICENSE. (intro.) The
2 examining board shall issue a ~~barber or~~ cosmetologist license to any person who does
3 all of the following:

4 (b) Graduates from a course of instruction of at least 1,800 training hours in
5 not less than 10 months in a school of ~~barbering or~~ cosmetology licensed under s.
6 440.62 (3) ~~(a)~~ (ar) or exempted under s. 440.61 or has successfully completed an
7 apprenticeship under s. 454.10.

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

10 **SECTION 73.** 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to
11 read:

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

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

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

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

23 **SECTION 74.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

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

1 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) ~~(a)~~ (ar) or (b) or
2 exempted under s. 440.61.

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

8 **SECTION 75.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

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

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

18 **SECTION 76.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

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

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

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

3 **SECTION 77.** 454.06 (7) of the statutes is amended to read:

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

10 **SECTION 78.** 454.06 (8m) of the statutes is created to read:

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

18 (b) An inactive license is 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 (c) 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.

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

4 **SECTION 79.** 454.06 (10) (a) of the statutes is amended to read:

5 454.06 (10) (a) The examining board may issue a temporary permit to practice
6 as a ~~barber or~~ cosmetologist without examination if the applicant meets all of the
7 requirements of sub. (2) for licensure except passage of an examination and if the
8 applicant is scheduled to take the examination for licensure.

9 **SECTION 80.** 454.07 (1) of the statutes is amended to read:

10 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct
11 examinations for ~~barber or~~ cosmetologist, cosmetology manager, aesthetician,
12 electrologist, and manicurist licenses not less than 8 times annually, at times and
13 places determined by the examining board.

14 **SECTION 81.** 454.08 (1) (a) of the statutes is amended to read:

15 454.08 (1) (a) The examining board may promulgate rules permitting the
16 provision of personal care ~~barbering or~~ cosmetology, aesthetics, electrology, or
17 manicuring services outside of licensed establishments by ~~barbers or~~ cosmetologists,
18 aestheticians, electrologists, and manicurists to persons who are unable to leave
19 their homes because of illness or disability or who are in hospitals, nursing homes,
20 correctional institutions, or other institutions.

21 **SECTION 82.** 454.08 (1) (b) of the statutes is amended to read:

22 454.08 (1) (b) Except as permitted by rule promulgated under par. (a), no
23 person may practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring
24 in an establishment unless the establishment is licensed to provide that practice
25 under sub. (2).

1 **SECTION 83.** 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 84.** 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 85.** 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 86.** 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 87.** 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 88.** 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 89.** 454.10 (2) of the statutes is amended to read:

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 90.** 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
12 whom supervisory authority has been delegated by a licensed cosmetology manager.
13 A licensed cosmetology manager may only delegate supervisory authority to a
14 licensed ~~barber or~~ cosmetologist who has completed at least 2,000 hours of practice
15 as a licensed ~~barber or~~ cosmetologist.

16 **SECTION 91.** 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 92.** 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

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

3 **SECTION 93.** 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 94.** 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 95.** 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 96.** 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 97.** 454.15 (2) (c) of the statutes is amended to read:

1 (2) "Barbering" means, for compensation, arranging, styling, dressing,
2 shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting,
3 shaving, trimming, relaxing, singeing, or performing similar work upon the hair of
4 the head, neck, or face of any person by any means. "Barbering" does not include the
5 removal of a person's hair at the root or the application of temporary or permanent
6 eyelash extensions to the eyelashes of a person.

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

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

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

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

12 (7) "Licensed barber" means a person licensed by the board under s. 454.23 (2)
13 whose license is not an inactive license under s. 454.23 (6). department Use 3A

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

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

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

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

23 (12) "Licensed cosmetology manager" means a person licensed by the
24 cosmetology examining board under s. 454.06 (3) whose license is not an inactive
25 license under s. 454.06 (8m).

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

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

3 **454.21 Limitations and exceptions.** Barbering does not include any of the
4 following:

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

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

11 **454.22 Practice.** (1) No person may engage in barbering unless the person
12 is one of the following:

13 (a) A licensed barber.

14 (b) A licensed barbering manager.

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

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

17 (e) A person who holds a temporary permit to practice barbering granted by the

18 board under s. 454.23 (7). department

19 (f) A licensed cosmetologist.

20 (g) A licensed cosmetology manager.

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

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

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

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department

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

4 **454.23 Licensure. (1) APPLICATION.** An applicant for licensure under this
5 section shall submit an application to the board on a form prescribed by the board.

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

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

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

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

17 (d) The applicant graduates from a course of instruction in barbering of at least
18 1,000 training hours in barbering in not less than 10 months in a school of barbering
19 licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3)
20 (ar), or a school that is exempted under s. 440.61 or the applicant successfully
21 completes an apprenticeship under s. 454.26.

22 e
23 The applicant passes an examination conducted by the board to determine
24 fitness to practice barbering.

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

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

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

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

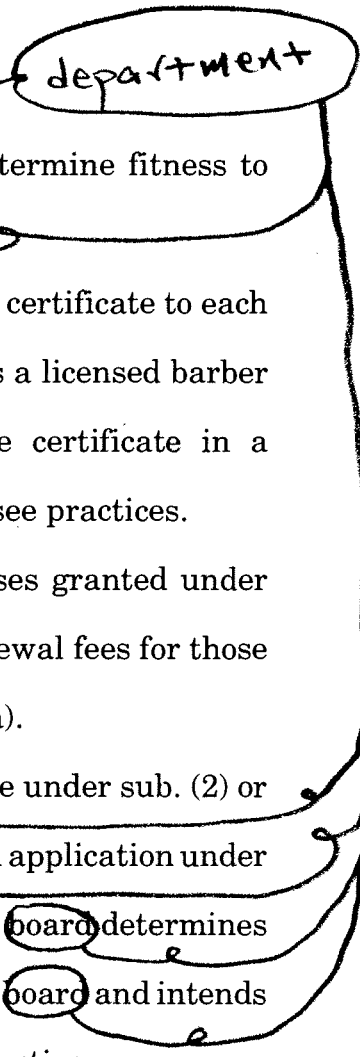
9 (d) Passes an examination conducted by the board to determine fitness to
10 practice as a barbering manager.

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

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

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

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



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

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

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

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

12 **454.24 Examinations.** (1) The board shall, in accordance with s. 440.07 (2),
13 conduct examinations for barber licenses at least 8 times annually, at times and
14 places determined by the board.

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

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

22 (4) An applicant for a license under s. 454.23 (2) or (3) shall file an application
23 for examination in the office of the board at least 3 weeks before the examination.

24 If an applicant fails to file the application within the required time, the board may
25 postpone the applicant's examination to the date of the next available regular

department

1 examination. The board may require an applicant who fails to appear for or to
2 complete an examination to reapply for examination. An applicant who fails an
3 examination may request reexamination and shall pay a fee for reexamination,
4 according to the procedures and fees established under s. 440.06.

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

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

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

20 (3) The board shall, by rule, establish minimum standards concerning the
21 maintenance, equipment, plans, and specifications for licensed barbering
22 establishments as they relate to the public health and safety. The board may not
23 license a barbering establishment under this section unless the establishment meets
24 the standards established by the board. A person proposing to open a barbering
25 establishment in a new location shall apply to the board for an inspection and

1 approval of the establishment, submitting an exact description and floor plan of the
2 proposed establishment on a form provided by the department.

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

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

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

Use of → department

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

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

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

23 (2) An apprentice in barbering shall receive at least 3,712 hours of practical
24 training in barbering and at least 288 training hours of instruction in barbering in
25 a school of barbering or school of cosmetology in order to complete the apprenticeship

1 program and be eligible to take the examination for a barber license. An apprentice
2 in barbering shall receive training in barbering for a total of at least 32 hours per
3 week. The training shall be completed in not less than 2 years and not more than
4 4 years.

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

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

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

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

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

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

department USE 3/1

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

12 **454.28 Inspections.** (1) The department shall appoint inspectors under the
13 classified service to inspect licensed barbering establishments.

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

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

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

Insert 35-20

department

use for

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

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

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

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

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

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

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

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

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

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

department

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

6 **454.295 Penalties.** Any person who violates this subchapter or any rule
7 promulgated under this subchapter shall be fined not less than \$100 nor more than
8 \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

9 **SECTION 103. Nonstatutory provisions.**

10 (1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS,
11 ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED
12 BARBERING OR COSMETOLOGY INSTRUCTORS.

13 ~~#~~ Barbers. Notwithstanding section 454.23 (1) and (2) of the statutes, as
14 created by this act, and subject to a notification and renewal under this paragraph,
15 on the effective date of this paragraph, a person who, immediately prior to the
16 effective date of this paragraph, held a valid barber or cosmetologist license granted
17 by the barbering and cosmetology examining board, is considered to be a licensed
18 barber, as defined in section 454.20 (7) of the statutes, as created by this act. The

19 barbering examining board shall issue a barber license to that person under section
20 454.23 (2) of the statutes, as created by this act, if the person notifies the barbering
21 examining board that the person intends to practice as a barber subject to subchapter
22 II of chapter 454 of the statutes, as created by this act, and satisfies the applicable
23 renewal requirements for a barber license under section 440.08 of the statutes, as
24 affected by this act, before April 1, 2013.

Insert 37-12

department ← use 2k

1

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

14

~~§~~ *Barbering managers*. Notwithstanding section 454.23 (1) and (3) of the statutes, as created by this act, and subject to a notification and renewal under this paragraph, on the effective date of this paragraph, a person who, immediately prior to the effective date of this paragraph, held a valid manager license granted by the barbering and cosmetology examining board, is considered to be a licensed barbering manager, as defined in section 454.20 (9) of the statutes, as created by this act. The

20

barbering examining board shall issue a barbering manager license to that person under section 454.23 (3) of the statutes, as created by this act, if the person notifies

22

the barbering examining board that the person intends to practice as a barbering manager subject to subchapter II of chapter 454 of the statutes, as created by this act, and satisfies the applicable renewal requirements for a barbering manager

department ← use 2A

1 license under section 440.08 of the statutes, as affected by this act, before April 1,
2 2013.

3 ~~§~~ *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 paragraph, a person who, immediately prior
6 to the effective date of this paragraph, 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. The cosmetology examining board shall issue a cosmetology manager
10 license to that 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 of the
13 statutes, as created by this act, and satisfies the applicable renewal requirements for
14 a cosmetology manager license under section 440.08 of the statutes, as affected by
15 this act, before April 1, 2013.

16 ~~§~~ *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 paragraph, an establishment, as defined under section
19 454.01 (10) of the statutes, that, immediately prior to the effective date of this
20 paragraph, 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. The barbering examining board shall issue a barbering establishment
24 license for that 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

Use 2x ↓

department

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

6 ~~#~~ *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 paragraph, an establishment, as defined
9 under section 454.01 (10) of the statutes, as affected by this act, that, immediately
10 prior to the effective date of this paragraph, held a valid barbering or cosmetologist
11 establishment license granted by the barbering and cosmetology examining board,
12 is considered to be a licensed cosmetology establishment, as defined in section 454.20
13 (11) of the statutes, as created by this act. The cosmetology examining board shall
14 issue a cosmetology establishment license for that establishment under section
15 454.08 (2) (a) of the statutes, as affected by this act, if an authorized representative
16 of the establishment notifies the cosmetology examining board that the
17 establishment will be maintained as a cosmetology establishment subject to
18 subchapter I of chapter 454 of the statutes, as created by this act, and the applicable
19 renewal requirements for a cosmetology establishment license under section 440.08
20 of the statutes, as affected by this act, are satisfied for the establishment before April
21 1, 2013.

22 ~~#~~ *Schools of barbering.* Notwithstanding section 440.62 (3) (ag) of the
23 statutes, as created by this act, and subject to a notification and renewal under this
24 paragraph, on the effective date of this paragraph, a school, as defined in section
25 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the

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

12 ~~##~~ *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) 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, a school, as defined in section
15 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the
16 effective date of this paragraph, held a valid school of barbering or cosmetology
17 license granted by the department of safety and professional services is considered
18 to be a licensed school of cosmetology under subchapter VI of chapter 440 of the
19 statutes, as affected by this act. The department of safety and professional services
20 shall issue a school of barbering license to that school under section 440.62 (3) (ar)
21 of the statutes, as created by this act, if an authorized representative of the school
22 notifies the department of safety and professional services that the school will be
23 maintained as a school of cosmetology subject to subchapter VI of chapter 440 of the
24 statutes, as affected by this act, and the applicable renewal requirements for a school

1 of cosmetology license under section 440.08 of the statutes, as affected by this act, are
2 satisfied for the school before April 1, 2013.

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

17 ~~#~~ *Cosmetology instructors.* Notwithstanding section 440.63 (3) (am) of the
18 statutes, as created by this act, and subject to a notification and renewal under this
19 paragraph, on the effective date of this paragraph, a person who, immediately prior
20 to the effective date of this paragraph, held a valid barbering or cosmetology
21 instructor certificate granted by the department of safety and professional services,
22 is considered to be a certified cosmetology instructor under subchapter VI of chapter
23 440 of the statutes, as affected by this act. The department of safety and professional
24 services shall issue a cosmetology instructor certificate to that person under section
25 440.63 (3) (am) of the statutes, as created by this act, if the person notifies the

1 department of safety and professional services that the person intends to act as a
2 cosmetology instructor subject to subchapter VI of chapter 440 of the statutes, as
3 affected by this act, and satisfies the applicable renewal requirements for a
4 cosmetology instructor certificate under section 440.08 of the statutes, as affected by
5 this act, before April 1, 2013.

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

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

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

13 ~~(c) Two public members, for terms expiring on July 1, 2015.~~

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

16 **SECTION 104. Effective date.**

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

18 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0364/2ins
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1 INSERT 35-20

2 **454.287 Advisory committee.** The secretary shall appoint an advisory
3 committee under s. 440.042[↓] to advise the department on matters relating to the
4 regulation of barbers, barbering managers, and barbering establishments under this
5 subchapter and the rules required under s. 440.062 (5) (b) 2.

6 END INSERT 35-20

7 INSERT 37-12

8 (a) *Definition.* In this subsection, “department” means the department of
9 safety and professional services.

10 END INSERT 37-12