



## 2013 SENATE BILL 439

December 11, 2013 – Introduced by Senator GROTHMAN, cosponsored by Representatives BROOKS, KRUG, KOYENGA, BIES and CRAIG. Referred to Committee on Health and Human Services.

1     **AN ACT** *to repeal* 440.63 (3) (a) 3., 440.63 (3) (a) 4., 440.63 (3) (am) 3., 440.63 (3)  
2           (am) 4., 440.63 (3) (b) 3., 440.63 (3) (c) 3. and 440.63 (3) (d) 3.; *to renumber and*  
3           *amend* 454.12 (2); *to amend* 440.63 (3) (a) 2. and 440.63 (3) (am) 2.; and *to*  
4           *create* 454.12 (2) (a) and 454.12 (2) (b) of the statutes; **relating to:** exam and  
5           other requirements for instructors in cosmetology, barbering, aesthetics,  
6           manicuring, and electrology and continuing education requirements for  
7           cosmetologists.

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

Current law authorizes the Cosmetology Examining Board (board) to require, by rule, that licensed cosmetologists complete continuing education hours if necessary to preserve the public health, safety, or welfare. This bill provides that any such rule may not require a licensed cosmetologist to complete more than four training hours of instruction in cosmetology every two years for eight years. Under the bill, the board's rules may not require a licensed cosmetologist to complete any continuing education requirements after the licensed cosmetologist has practiced cosmetology for eight years. However, under current law, the board may require continuing education at any time as a part of the disciplinary process for a particular licensed cosmetologist. The bill does not alter that existing power of the board.

Also under current law, DSPS certifies instructors in barbering, cosmetology, aesthetics, electrology, and manicuring. An applicant for certification as an

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instructor in barbering or cosmetology must, among other things, complete 2,000 hours of practice as a licensed barber or cosmetologist or hold a barbering manager or cosmetology manager license; complete 150 hours of instructor training approved by DSPS; and pass an examination administered by DSPS to determine fitness to act as an instructor in barbering or cosmetology. Under the bill, DSPS must certify an applicant for certification as an instructor in barbering or cosmetology if the applicant either completes 4,000 hours as a licensed barber or cosmetologist or completes 2,000 hours of practice as a licensed barber or cosmetologist in combination with 150 hours of training in appropriate theoretical instruction. The bill eliminates any examination requirement for obtaining certification as an instructor in barbering, cosmetology, aesthetics, electrology, or manicuring.

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

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

1           **SECTION 1.** 440.63 (3) (a) 2. of the statutes is amended to read:

2           440.63 (3) (a) 2. Completes 4,000 hours of practice as a licensed barber or  
3 licensed cosmetologist or completes 2,000 hours of practice as a licensed barber or  
4 holds a current barbering manager license issued by the department licensed  
5 cosmetologist and 150 training hours of theoretical instruction in barbering in a  
6 school of barbering licensed under s. 440.62 (3) (ag), a school of cosmetology licensed  
7 under s. 440.62 (3) (ar), or a school exempted under s. 440.61.

8           **SECTION 2.** 440.63 (3) (a) 3. of the statutes is repealed.

9           **SECTION 3.** 440.63 (3) (a) 4. of the statutes is repealed.

10          **SECTION 4.** 440.63 (3) (am) 2. of the statutes is amended to read:

11          440.63 (3) (am) 2. Completes 4,000 hours of practice as a licensed cosmetologist  
12 or completes 2,000 hours of practice as a licensed cosmetologist or holds a current  
13 cosmetology manager license issued by the cosmetology examining board and 150  
14 training hours of theoretical instruction in a school of cosmetology licensed under s.  
15 440.62 (3) (ar) or exempted under s. 440.61.

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1           **SECTION 5.** 440.63 (3) (am) 3. of the statutes is repealed.

2           **SECTION 6.** 440.63 (3) (am) 4. of the statutes is repealed.

3           **SECTION 7.** 440.63 (3) (b) 3. of the statutes is repealed.

4           **SECTION 8.** 440.63 (3) (c) 3. of the statutes is repealed.

5           **SECTION 9.** 440.63 (3) (d) 3. of the statutes is repealed.

6           **SECTION 10.** 454.12 (2) of the statutes is renumbered 454.12 (2) (intro.) and  
7 amended to read:

8           454.12 (2) (intro.) By rule, if necessary to preserve the public health, safety, or  
9 welfare. No rule promulgated under this subsection may require any of the  
10 following:

11           **SECTION 11.** 454.12 (2) (a) of the statutes is created to read:

12           454.12 (2) (a) That a licensed cosmetologist complete more than 4 training  
13 hours of instruction in cosmetology every 2 years before the licensed cosmetologist  
14 has completed 8 years of practice as a licensed cosmetologist.

15           **SECTION 12.** 454.12 (2) (b) of the statutes is created to read:

16           454.12 (2) (b) That a licensed cosmetologist complete any continuing education  
17 requirements after the licensed cosmetologist has completed 8 years of practice as  
18 a licensed cosmetologist.

19                                           **(END)**