

2017 DRAFTING REQUEST

Bill

For: **Joel Kleefisch (608) 266-8551** Drafter: **kpaczusk**
 By: **Melody** Secondary Drafters:
 Date: **11/18/2016** May Contact:
 Same as LRB: **-2087**

Submit via email: **YES**
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Pre Topic:

No specific pre topic given

Topic:

Mobile cosmetology and barbering and licensure of cosmetology and barbering managers.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 11/29/2016	anienaja 12/5/2016			
/P1	kpaczusk 2/22/2017	anienaja 2/23/2017	rmilford 12/5/2016		State
/P2	kpaczusk 2/24/2017	kfollett 2/24/2017	mbarman 2/23/2017		State
/1	kpaczusk 3/9/2017	kmochal 3/9/2017	rmilford 2/24/2017	rmilford 2/24/2017	State

Per KP →

Vers. Drafted

Reviewed

Submitted

Jacketed

Required

/2

lparisi
3/9/2017

lparisi
3/9/2017

State

FE Sent For:

<END>

AT INTRO.

Rep. Keefisch

- Merodie

- Redraft 15-4919.

- Add elimination of
cosmic & Basbeding man.
licenses.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0855/P1
KP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 440.03 (13) (b) 15., 440.03 (13) (b) 19s., 440.08 (2) (a) 18., 440.08
2 (2) (a) 24i., 440.60 (4s), 440.60 (5s), 440.62 (3) (ag) 3., 440.62 (3) (ar) 3., 454.01
3 (7s), 454.06 (3), 454.20 (3), 454.20 (9), 454.20 (12), 454.22 (1) (b), 454.22 (1) (g)
4 and 454.23 (3); *to amend* 440.62 (5) (a), 440.63 (3) (a) 2., 440.63 (3) (am) 2.,
5 440.635 (1), 440.635 (2), 440.635 (3), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d),
6 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06 (4) (b) 2., 454.06 (5) (b) 2.,
7 454.06 (6) (b) 2., 454.06 (7), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (4),
8 454.08 (6), 454.10 (3) (a), 454.13 (1) (intro.), 454.13 (2), 454.22 (2), 454.23 (4),
9 454.23 (5), 454.23 (6) (a), 454.24 (2), 454.24 (4), 454.25 (1) (a), 454.25 (4), 454.25
10 (5), 454.26 (3) (a), 454.27 (1) (intro.) and 454.287; and *to create* 454.08 (1) (am)
11 of the statutes; **relating to:** practicing barbering and cosmetology outside

1 licensed establishments, regulating barbering and cosmetology managers, and
2 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Cosmetology Examining Board and the Department of Safety and Professional Services to promulgate rules permitting the practice of cosmetology, aesthetics, and manicuring, in the case of the board, and barbering, in the case of DSPS, outside licensed establishments. Currently, such practice is authorized only for personal care services provided to persons who are homebound or in a hospital, nursing home, correctional institution, or other institution.

The bill also eliminates the separate licensure of cosmetology managers and barbering managers. Managers of cosmetology establishments and barbering establishments ensure that those establishments operate in compliance with laws and rules regulating the provision of cosmetology and barbering services. Under the bill, a licensed cosmetologist must be designated as the manager of a cosmetology establishment, and either a licensed cosmetologist or a licensed barber must be designated as the manager of a barbering establishment. The bill converts a person who was formerly licensed as a cosmetology manager into a licensed cosmetologist and a person who was formerly licensed as a barbering manager into a licensed barber.

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:

- 3 **SECTION 1.** 440.03 (13) (b) 15. of the statutes is repealed.
- 4 **SECTION 2.** 440.03 (13) (b) 19s. of the statutes is repealed.
- 5 **SECTION 3.** 440.08 (2) (a) 18. of the statutes is repealed.
- 6 **SECTION 4.** 440.08 (2) (a) 24i. of the statutes is repealed.
- 7 **SECTION 5.** 440.60 (4s) of the statutes is repealed.
- 8 **SECTION 6.** 440.60 (5s) of the statutes is repealed.
- 9 **SECTION 7.** 440.62 (3) (ag) 3. of the statutes is repealed.
- 10 **SECTION 8.** 440.62 (3) (ar) 3. of the statutes is repealed.
- 11 **SECTION 9.** 440.62 (5) (a) of the statutes is amended to read:

1 440.62 (5) (a) No specialty school may offer theoretical instruction for
2 ~~managers or~~ apprentices.

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

4 440.63 (3) (a) 2. Completes 2,000 hours of practice as a licensed barber ~~or holds~~
5 ~~a current barbering manager license issued by the department.~~

6 **SECTION 11.** 440.63 (3) (am) 2. of the statutes is amended to read:

7 440.63 (3) (am) 2. Completes 2,000 hours of practice as a licensed cosmetologist
8 ~~or holds a current cosmetology manager license issued by the cosmetology examining~~
9 ~~board.~~

10 **SECTION 12.** 440.635 (1) of the statutes is amended to read:

11 440.635 (1) No person may provide practical instruction in a specialty school
12 of aesthetics unless the person holds a ~~current cosmetology manager license issued~~
13 ~~by the cosmetology examining board or~~ a current cosmetology instructor or
14 aesthetics instructor certificate issued by the department.

15 **SECTION 13.** 440.635 (2) of the statutes is amended to read:

16 440.635 (2) No person may provide practical instruction in a specialty school
17 of electrology unless the person holds a current electrologist license ~~and a current~~
18 ~~cosmetology manager license issued by the cosmetology examining board or an~~
19 electrology instructor certificate issued by the department.

 ****NOTE: Based on s. 454.06 (5) (b) 2., it does not appear that a person must be
currently licensed as an electrologist in order to provide electrology instruction if the
person is a certified electrology instructor.

20 **SECTION 14.** 440.635 (3) of the statutes is amended to read:

21 440.635 (3) No person may provide practical instruction in a specialty school
22 of manicuring unless the person holds a ~~current cosmetology manager license issued~~

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

3 **SECTION 15.** 454.01 (7s) of the statutes is repealed.

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

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

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

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

18 **SECTION 18.** 454.04 (1) (d) of the statutes is amended to read:

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

25 **SECTION 19.** 454.04 (2) (a) of the statutes is amended to read:

1 454.04 (2) (a) No person may use the title “cosmetologist” or any other similar
2 title unless the person holds a current cosmetologist license or ~~cosmetology manager~~
3 ~~license~~ issued by the examining board that is not an inactive license.

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

5 454.04 (2) (b) No person may use the title “aesthetician” or any other similar
6 title unless the person holds a current aesthetician license, or cosmetologist license,
7 ~~or cosmetology manager license~~ issued by the examining board that is not an inactive
8 license.

9 **SECTION 21.** 454.04 (2) (d) of the statutes is amended to read:

10 454.04 (2) (d) No person may use the title “manicurist” or any other similar title
11 unless the person holds a current manicurist license, or cosmetologist license, ~~or~~
12 ~~cosmetology manager license~~ issued by the examining board that is not an inactive
13 license.

14 **SECTION 22.** 454.06 (3) of the statutes is repealed.

15 **SECTION 23.** 454.06 (4) (b) 2. of the statutes is amended to read:

16 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not
17 more than 30 weeks under the supervision of a cosmetology instructor or aesthetics
18 instructor certified under s. 440.63 (3) (am) or (b) ~~or a licensed cosmetology manager,~~
19 in a licensed establishment that is also licensed as a specialty school of aesthetics
20 under s. 440.62 (4) (a).

21 **SECTION 24.** 454.06 (5) (b) 2. of the statutes is amended to read:

22 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not
23 more than 30 weeks under the supervision of an electrology instructor certified
24 under s. 440.63 (3) (c), ~~or a licensed electrologist who is also a licensed cosmetology~~

1 ~~manager~~, in a licensed establishment that is also licensed as a specialty school of
2 electrology under s. 440.62 (4) (b).

3 **SECTION 25.** 454.06 (6) (b) 2. of the statutes is amended to read:

4 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
5 and not more than 20 weeks under the supervision of a cosmetology instructor or
6 manicuring instructor certified under s. 440.63 (3) (am) or (d) ~~or a licensed~~
7 ~~cosmetology manager~~, in a licensed establishment that is also licensed as a specialty
8 school of manicuring under s. 440.62 (4) (c).

9 **SECTION 26.** 454.06 (7) of the statutes is amended to read:

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

16 **SECTION 27.** 454.07 (1) of the statutes is amended to read:

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

21 **SECTION 28.** 454.08 (1) (a) of the statutes is amended to read:

22 454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with
23 protection of the public health, safety, and welfare permitting the provision of
24 personal care cosmetology, aesthetics, electrology, ~~or~~ and manicuring services
25 outside of licensed establishments by cosmetologists, aestheticians, electrologists,

1 and manicurists to persons who are unable to leave their homes because of illness
2 or disability or who are in hospitals, nursing homes, correctional institutions, or
3 other institutions.

4 **SECTION 29.** 454.08 (1) (am) of the statutes is created to read:

5 454.08 (1) (am) In addition to the rules promulgated under par. (a), the
6 examining board shall promulgate rules consistent with protection of the public
7 health, safety, and welfare permitting the practice of cosmetology, aesthetics, and
8 manicuring outside of licensed establishments by cosmetologists, aestheticians, and
9 manicurists.

10 **SECTION 30.** 454.08 (1) (b) of the statutes is amended to read:

11 454.08 (1) (b) Except as permitted by rule promulgated under par. (a) or (am),
12 no person may practice cosmetology, aesthetics, electrology, or manicuring in an
13 establishment unless the establishment is licensed to provide that practice under
14 sub. (2).

15 **SECTION 31.** 454.08 (4) of the statutes is amended to read:

16 454.08 (4) The examining board shall, by rule, establish minimum standards
17 concerning the maintenance, equipment, plans, and specifications for licensed
18 establishments as they relate to the public health and safety. The examining board
19 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
20 ~~manager of, or a barber or cosmetologist in,~~ an establishment licensed under this
21 section. The examining board may not license an establishment under this section
22 unless it meets the standards established by the examining board. A person
23 proposing to open an establishment in a new location shall apply to the examining
24 board for an inspection and approval of the establishment, submitting an exact

1 description and floor plan of the proposed location of the establishment on a form
2 provided by the department.

3 **SECTION 32.** 454.08 (6) of the statutes is amended to read:

4 454.08 (6) A person who owns a cosmetology establishment shall employ at
5 least one person as a manager who holds a cosmetology manager license and
6 manages the establishment on a full-time basis. The ~~cosmetology manager of a~~
7 cosmetology establishment shall ensure that the establishment operates in
8 compliance with this subchapter and rules promulgated by the examining board.

9 **SECTION 33.** 454.10 (3) (a) of the statutes is amended to read:

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

18 **SECTION 34.** 454.13 (1) (intro.) of the statutes is amended to read:

19 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
20 440.05 (2), the examining board may issue a license to practice cosmetology,
21 aesthetics, electrology, or manicuring ~~or to practice as a cosmetology manager~~ to an
22 applicant who is licensed in another state or territory of the United States or in
23 another country to perform services that are substantially the same as those
24 performed by licensees in this state and to whom either of the following applies:

25 **SECTION 35.** 454.13 (2) of the statutes is amended to read:

1 454.13 (2) The examining board may enter into reciprocal agreements with
2 officials of other states for licensing cosmetologists, aestheticians, electrologists, and
3 manicurists, ~~and cosmetology managers~~ and grant licenses to persons licensed in
4 other states according to the terms of such an agreement.

5 **SECTION 36.** 454.20 (3) of the statutes is repealed.

6 **SECTION 37.** 454.20 (9) of the statutes is repealed.

7 **SECTION 38.** 454.20 (12) of the statutes is repealed.

8 **SECTION 39.** 454.22 (1) (b) of the statutes is repealed.

9 **SECTION 40.** 454.22 (1) (g) of the statutes is repealed.

10 **SECTION 41.** 454.22 (2) of the statutes is amended to read:

11 454.22 (2) No person may use the title “barber” or “hairstylist” or any other
12 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
13 licensed cosmetologist, ~~or licensed cosmetology manager.~~

14 **SECTION 42.** 454.23 (3) of the statutes is repealed.

15 **SECTION 43.** 454.23 (4) of the statutes is amended to read:

16 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
17 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
18 a licensed barber ~~or licensed barbering manager~~. The licensee shall post the
19 certificate in a conspicuous place in the primary establishment where the licensee
20 practices.

21 **SECTION 44.** 454.23 (5) of the statutes is amended to read:

22 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates date for licenses a
23 license granted under ~~subs. sub. (2) and (3)~~ are is specified under s. 440.08 (2) (a), and
24 the renewal fees fee for those licenses are that license is determined by the
25 department under s. 440.03 (9) (a).

1 **SECTION 45.** 454.23 (6) (a) of the statutes is amended to read:

2 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
3 to the department to classify that license as inactive. Upon application under this
4 paragraph, the department may classify a license as inactive if the department
5 determines that the person who holds that license is in good standing with the
6 department and intends to refrain from barbering during the period that the license
7 is inactive.

8 **SECTION 46.** 454.24 (2) of the statutes is amended to read:

9 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
10 of written tests and practical demonstrations requiring applicants to demonstrate
11 minimum competency in services and subjects substantially related to the practice
12 of a barber ~~or barbering manager, as appropriate,~~ and public health and safety.

13 **SECTION 47.** 454.24 (4) of the statutes is amended to read:

14 454.24 (4) An applicant for a license under s. 454.23 (2) ~~or (3)~~ shall file an
15 application for examination in the office of the department at least 3 weeks before
16 the examination. If an applicant fails to file the application within the required time,
17 the department may postpone the applicant's examination to the date of the next
18 available regular examination. The department may require an applicant who fails
19 to appear for or to complete an examination to reapply for examination. An applicant
20 who fails an examination may request reexamination and shall pay a fee for
21 reexamination, according to the procedures and fees established under s. 440.06.

22 **SECTION 48.** 454.25 (1) (a) of the statutes is amended to read:

23 454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with
24 protection of the public health, safety, and welfare permitting the provision of
25 barbering services by a barber outside of a licensed barbering establishment or a

1 licensed cosmetology establishment ~~by a barber.~~ The rules promulgated under this
2 paragraph shall include rules permitting the provision of barbering services to a
3 person who is unable to leave his or her home because of illness or disability or who
4 is in a hospital, nursing home, correctional institution, or other institution.

5 **SECTION 49.** 454.25 (4) of the statutes is amended to read:

6 454.25 (4) A person who is not a licensed barber, ~~licensed barbering manager,~~
7 ~~or licensed cosmetologist, or licensed cosmetology manager~~ may own or operate a
8 licensed barbering establishment, but may not practice barbering.

9 **SECTION 50.** 454.25 (5) of the statutes is amended to read:

10 454.25 (5) A person who owns a licensed barbering establishment shall employ
11 at least one person as a manager who is a licensed ~~barbering manager~~ barber or
12 licensed ~~cosmetology manager~~ cosmetologist and works full-time in the
13 establishment.

14 **SECTION 51.** 454.26 (3) (a) of the statutes is amended to read:

15 454.26 (3) (a) An apprentice in barbering may not practice barbering except
16 ~~under the supervision of a licensed barbering manager or licensed cosmetology~~
17 ~~manager or under the supervision of a licensed barber or licensed cosmetologist to~~
18 ~~whom supervisory authority has been delegated by a licensed barbering manager or~~
19 ~~licensed cosmetology manager. A licensed barbering manager or licensed~~
20 ~~cosmetology manager may only delegate supervisory authority to a licensed barber~~
21 ~~or licensed cosmetologist who has completed at least 2,000 hours of practice as a~~
22 licensed barber or licensed cosmetologist.

23 **SECTION 52.** 454.27 (1) (intro.) of the statutes is amended to read:

24 454.27 (1) (intro.) Upon application and payment of the fee specified in s.
25 440.05 (2), the department may grant a license to practice barbering ~~or to practice~~

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

5 **SECTION 53.** 454.287 of the statutes is amended to read:

6 **454.287 Advisory committee.** The secretary shall appoint an advisory
7 committee under s. 440.042 to advise the department on matters relating to the
8 regulation of barbers, ~~barbering managers~~, and barbering establishments under this
9 subchapter and the rules required under s. 440.62 (5) (b) 2.

10 **SECTION 54. Nonstatutory provisions.**

11 (1) TRANSITIONAL PROVISIONS.

12 (a) *Cosmetology managers.* Notwithstanding sections 454.06 (2) and 454.13 (1)
13 of the statutes, on the effective date of this paragraph, a person who, immediately
14 prior to the effective date of this paragraph, held a valid cosmetology manager license
15 under section 454.06 (3), 2015 stats., or 454.13 (1), 2015 stats., is considered to be a
16 licensed cosmetologist under section 454.06 (2) or 454.13 (1) of the statutes, as
17 appropriate, and the cosmetology examining board shall issue a cosmetologist
18 license to the person. If the person's cosmetology manager license was classified as
19 inactive under section 454.06 (8m) of the statutes, the cosmetologist license issued
20 under this paragraph shall likewise be classified as inactive.

21 (b) *Barbering managers.* Notwithstanding sections 454.23 (2) and 454.27 (1)
22 of the statutes, on the effective date of this paragraph, a person who, immediately
23 prior to the effective date of this paragraph, held a valid barbering manager license
24 under section 454.23 (3), 2015 stats., or 454.27 (1), 2015 stats., is considered to be a
25 licensed barber under section 454.23 (2) or 454.27 (1) of the statutes, as appropriate,

1 and, the department of safety and professional services shall issue a barber license
2 to the person. If the person's barbering manager license was classified as inactive
3 under section 454.23 (6) of the statutes, the barber license issued under this
4 paragraph shall likewise be classified as inactive.

5

(END)

SA ✓
X ✓

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0855/?ins
KP:...
Ann

1 INS A

This bill requires the Cosmetology Examining Board and the Department of Safety and Professional Services to promulgate rules permitting the practice of cosmetology, aesthetics, and manicuring, in the case of the board, and barbering, in the case of DSPS, outside licensed establishments. Currently, such practice is authorized only for personal care services provided to persons who are home-bound or in a hospital, nursing home, correctional institution, or other institution.

The bill also eliminates the separate licensure of cosmetology managers and barbering managers. Managers of cosmetology establishments and barbering establishments ensure that those establishments operate in compliance with laws and rules regulating the provision of cosmetology and barbering services. Under the bill, a licensed cosmetologist must be designated as the manager of a cosmetology establishment, and either a licensed cosmetologist or a licensed barber must be designated as the manager of a barbering establishment. The bill converts a person who was formerly licensed as a cosmetology manager into a licensed cosmetologist and a person who was formerly licensed as a barbering manager into a licensed barber.

2 INS 6-9

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

4 ~~X~~ 454.08 (1) (a) The examining board may shall promulgate rules consistent with
5 protection of the public health, safety, and welfare permitting the provision of
6 personal care cosmetology, aesthetics, electrology, ~~or~~ and manicuring services
7 outside of licensed establishments by cosmetologists, aestheticians, electrologists,
8 and manicurists to persons who are unable to leave their homes because of illness
9 or disability or who are in hospitals, nursing homes, correctional institutions, or
10 other institutions.

11 History: 1987 a. 265; 1991 a. 39; 1997 a. 27; 2007 a. 20; 2011 a. 146, 190, 193; 2013 a. 165.

12 SECTION 2. 454.08 (1) (am) of the statutes is created to read:

13 ~~X~~ 454.08 (1) (am) In addition to the rules promulgated under par. (a), the
14 examining board shall promulgate rules consistent with protection of the public

1 health, safety, and welfare permitting the practice of cosmetology, aesthetics, and
2 manicuring outside of licensed establishments by cosmetologists, aestheticians, and
3 manicurists.

4 **SECTION 3.** 454.08 (1) (b) of the statutes is amended to read:

5 ~~454.08 (1) (b)~~ Except as permitted by rule promulgated under par. (a) or (am),
6 no person may practice cosmetology, aesthetics, electrology, or manicuring in an
7 establishment unless the establishment is licensed to provide that practice under
8 sub. (2).

9 **History:** 1987 a. 265; 1991 a. 39; ~~1997 a. 27~~; 2007 a. 20; 2011 a. 146, 190, 193; 2013 a. 165.

INS 9-16

10 **SECTION 4.** 454.25 (1) (a) of the statutes is amended to read:

11 ~~454.25 (1) (a)~~ The department ~~may~~ shall promulgate rules consistent with
12 protection of the public health, safety, and welfare permitting the provision of
13 barbering services by a barber outside of a licensed barbering establishment or a
14 licensed cosmetology establishment ~~by a barber. The rules promulgated under this~~
15 paragraph shall include rules permitting the provision of barbering services to a
16 person who is unable to leave his or her home because of illness or disability or who
17 is in a hospital, nursing home, correctional institution, or other institution.

History: 2011 a. 190.

Paczuski, Konrad

From: Koenen, Kyle
Sent: Tuesday, February 21, 2017 4:03 PM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Cc: Duesterbeck, Melodie <Melodie.Duesterbeck@legis.wisconsin.gov>
Subject: Edits on 2087/P1 and 2048.P1

Konrad,

Here are the edits to LRB-2087/P1 and LRB 2048/P1 we would like done. We would like to combine the bills, and have the Kleefisch assembly companion mirror the edits to ours. I ran the language past DSPS and they offered up most of the suggestions below. Let me know if you have any questions. I am sorry to keep bombarding you, but could we have this done fairly quickly.

Regards,

Kyle Koenen

Chief of Staff

Office of Senator Chris Kapenga

Office: (608)266-9174

Mobile: (262)939-7093

LRB-2087/P1:

- Page 6, line 22: delete lines 22 to 25 and, on page 7, lines 1 to 9 and substitute:
"454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with protection of the public health, safety, and welfare permitting the ~~provision of personal care practice of~~ practice of cosmetology, aesthetics, electrology, ~~or and~~ and manicuring ~~services~~ outside of licensed establishments by cosmetologists, aestheticians, electrologists, and manicurists. The rules promulgated under this paragraph shall include rules permitting the provision of personal care cosmetology, aesthetics, electrology, and manicuring services 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."
- Page 10, line 23: delete lines 23 to 25 and, on page 11, lines 1 to 4 and substitute:
"454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with protection of the public health, safety, and welfare permitting the provision of barbering services by a barber outside of a licensed barbering establishment or a licensed cosmetology establishment ~~by a barber~~. The rules promulgated under this paragraph shall include rules permitting the provision of barbering services to a person persons who is are unable to leave his ~~or her~~ their home because of illness or disability or who ~~is are~~ is are in a ~~hospital~~ hospitals, ~~nursing home~~ nursing homes, ~~correctional institution~~ institutions, or other ~~institution~~ institutions."
- Page 11, line 13: after "establishment." insert The manager of a licensed barbering establishment shall ensure that the establishment operates in compliance with this subchapter and rules promulgated by the department."
- Page 12, line 15: delete "is considered to" and substitute "shall be"

- Page 12, line 16: delete the material beginning with “statutes,” and ending with “person” on line 18 and substitute “statutes”.
- Page 12, line 19: delete “issued”.
- Page 12, line 24: delete “is considered to” and substitute “shall”.
- Page 12, line 25: delete the material beginning with “statutes,” and ending with “person” on page 13, line 2 and substitute “statutes”.
- Page 13, line 3: delete “issued”.
- Page 13, line 4: after that line insert:
“ **SECTION 55. Effective dates.** This act takes effect on the day after publication, except as follows:
(1) The amendment of sections 454.08 (1) (a) and 454.25 (1) (a) of the statutes, take effect on the first day of the 7th month beginning after publication.”.

(NOTE: The modification proposed above (6-mo. delayed effective date) is necessary, in order to comply with the rule promulgation requirements under the “/P1” for both the cosmetology examining board and DSPS.)

LRB 2048/P1 – Section 3

- Shouldn't this be 440.03 (13) (b) 19m instead of 19s?

Section 24 - Violated subch. II or, with respect to cosmetology subch. VI of ch. 440

Section 25 – Same as above except with respect to barbering

Feel free to call me with any questions on this. Thanks!



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0855/P1 *e P2*
KP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

IN: 2/22/2017
OUT: 2/23/2017

SA ✓
PWF ✓

Regen

1 **AN ACT to repeal** 440.03 (13) (b) 15., 440.03 (13) (b) 19s., 440.08 (2) (a) 18., 440.08
2 (2) (a) 24i., 440.60 (4s), 440.60 (5s), 440.62 (3) (ag) 3., 440.62 (3) (ar) 3., 454.01
3 (7s), 454.06 (3), 454.20 (3), 454.20 (9), 454.20 (12), 454.22 (1) (b), 454.22 (1) (g)
4 and 454.23 (3); **to amend** 440.62 (5) (a), 440.63 (3) (a) 2., 440.63 (3) (am) 2.,
5 440.635 (1), 440.635 (2), 440.635 (3), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d),
6 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06 (4) (b) 2., 454.06 (5) (b) 2.,
7 454.06 (6) (b) 2., 454.06 (7), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (4),
8 454.08 (6), 454.10 (3) (a), 454.13 (1) (intro.), 454.13 (2), 454.22 (2), 454.23 (4),
9 454.23 (5), 454.23 (6) (a), 454.24 (2), 454.24 (4), 454.25 (1) (a), 454.25 (4), 454.25
10 (5), 454.26 (3) (a), 454.27 (1) (intro.) and 454.287; and **to create** 454.08 (1) (am)
11 of the statutes; **relating to:** practicing barbering and cosmetology outside

1 licensed establishments, regulating barbering and cosmetology managers, and
 2 granting rule-making authority. *instructor certificates for barbering, cosmetology, and related professions,*

Analysis by the Legislative Reference Bureau

This bill requires the Cosmetology Examining Board and the Department of Safety and Professional Services to promulgate rules permitting the practice of cosmetology, aesthetics, and manicuring, in the case of the board, and barbering, in the case of DSPS, outside licensed establishments. Currently, such practice is authorized only for personal care services provided to persons who are homebound or in a hospital, nursing home, correctional institution, or other institution.

are required to The bill also eliminates the separate licensure of cosmetology managers and barbering managers. Managers of cosmetology establishments and barbering establishments ensure that those establishments operate in compliance with laws and rules regulating the provision of cosmetology and barbering services. Under the bill, a licensed cosmetologist must be designated as the manager of a cosmetology establishment, and either a licensed cosmetologist or a licensed barber must be designated as the manager of a barbering establishment. *required to ensure such compliance* The bill converts a person who was formerly licensed as a cosmetology manager into a licensed cosmetologist and a person who was formerly licensed as a barbering manager into a licensed barber.

INS A

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:

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- 3 **SECTION 1.** 440.03 (13) (b) 15. of the statutes is repealed.
- 4 **SECTION 2.** 440.03 (13) (b) 19s. of the statutes is repealed.
- 5 **SECTION 3.** 440.08 (2) (a) 18. of the statutes is repealed.
- 6 **SECTION 4.** 440.08 (2) (a) 24i. of the statutes is repealed.
- 7 **SECTION 5.** 440.60 (4s) of the statutes is repealed.
- 8 **SECTION 6.** 440.60 (5s) of the statutes is repealed.
- 9 **SECTION 7.** 440.62 (3) (ag) 3. of the statutes is repealed.
- 10 **SECTION 8.** 440.62 (3) (ar) 3. of the statutes is repealed.
- 11 **SECTION 9.** 440.62 (5) (a) of the statutes is amended to read:

1 440.62 (5) (a) No specialty school may offer theoretical instruction for
2 managers or apprentices.

INS 3-2
3 SECTION 10. 440.63 (3) (a) 2. of the statutes is amended to read:

4 440.63 (3) (a) 2. Completes 2,000 hours of practice as a licensed barber or holds
5 a current barbering manager license issued by the department.

6 SECTION 11. 440.63 (3) (am) 2. of the statutes is amended to read:

7 440.63 (3) (am) 2. Completes 2,000 hours of practice as a licensed cosmetologist
8 or holds a current cosmetology manager license issued by the cosmetology examining
9 board.

10 SECTION 12. 440.635 (1) of the statutes is amended to read:

11 440.635 (1) No person may provide practical instruction in a specialty school
12 of aesthetics unless the person holds a current cosmetology manager license issued
13 by the cosmetology examining board or a current cosmetology instructor or
14 aesthetics instructor certificate issued by the department.

15 SECTION 13. 440.635 (2) of the statutes is amended to read:

16 440.635 (2) No person may provide practical instruction in a specialty school
17 of electrology unless the person holds a current electrologist license and a current
18 cosmetology manager license issued by the cosmetology examining board or an
19 electrology instructor certificate issued by the department.

***NOTE: Based on s. 454.06 (5) (b) 2., it does not appear that a person must be currently licensed as an electrologist in order to provide electrology instruction if the person is a certified electrology instructor.

20 SECTION 14. 440.635 (3) of the statutes is amended to read:

21 440.635 (3) No person may provide practical instruction in a specialty school
22 of manicuring unless the person holds a current cosmetology manager license issued

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

3 **SECTION 15.** 454.01 (7s) of the statutes is repealed.

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

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

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

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

18 **SECTION 18.** 454.04 (1) (d) of the statutes is amended to read:

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

25 **SECTION 19.** 454.04 (2) (a) of the statutes is amended to read:

1 454.04 (2) (a) No person may use the title "cosmetologist" or any other similar
2 title unless the person holds a current cosmetologist license ~~or cosmetology manager~~
3 license issued by the examining board that is not an inactive license.

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

5 454.04 (2) (b) No person may use the title "aesthetician" or any other similar
6 title unless the person holds a current aesthetician license, or cosmetologist license,
7 ~~or cosmetology manager license~~ issued by the examining board that is not an inactive
8 license.

9 **SECTION 21.** 454.04 (2) (d) of the statutes is amended to read:

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

14 **SECTION 22.** 454.06 (3) of the statutes is repealed.

15 **SECTION 23.** 454.06 (4) (b) 2. of the statutes is amended to read:

16 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not
17 more than 30 weeks under the supervision of a cosmetology instructor or aesthetics
18 instructor certified under s. 440.63 (3) (am) or (b) ~~or a licensed cosmetology manager,~~
19 in a licensed establishment that is also licensed as a specialty school of aesthetics
20 under s. 440.62 (4) (a).

21 **SECTION 24.** 454.06 (5) (b) 2. of the statutes is amended to read:

22 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not
23 more than 30 weeks under the supervision of an electrology instructor certified
24 under s. 440.63 (3) (c), ~~or a licensed electrologist who is also a licensed cosmetology~~

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1

2

1 ~~manager~~, in a licensed establishment that is also licensed as a specialty school of
2 electrology under s. 440.62 (4) (b).

3 **SECTION 25.** 454.06 (6) (b) 2. of the statutes is amended to read:

4 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
5 and not more than 20 weeks under the supervision of a cosmetology instructor or
6 manicuring instructor certified under s. 440.63 (3) (am) or (d) ~~or a licensed~~
7 ~~cosmetology manager~~, in a licensed establishment that is also licensed as a specialty
8 school of manicuring under s. 440.62 (4) (c).

9 **SECTION 26.** 454.06 (7) of the statutes is amended to read:

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

16 **SECTION 27.** 454.07 (1) of the statutes is amended to read:

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

21 **SECTION 28.** 454.08 (1) (a) of the statutes is amended to read:

22 454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with
23 protection of the public health, safety, and welfare permitting the provision of
24 personal care cosmetology, aesthetics, electrology, ~~or~~ and manicuring services
25 outside of licensed establishments by cosmetologists, aestheticians, electrologists,

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1 and manicurists to persons who are unable to leave their homes because of illness
2 or disability or who are in hospitals, nursing homes, correctional institutions, or
3 other institutions.

4 **SECTION 29.** 454.08 (1) (am) of the statutes is created to read:

5 454.08 (1) (am) In addition to the rules promulgated under par. (a), the
6 examining board shall promulgate rules consistent with protection of the public
7 health, safety, and welfare permitting the practice of cosmetology, aesthetics, and
8 manicuring outside of licensed establishments by cosmetologists, aestheticians, and
9 manicurists.

10 **SECTION 30.** 454.08 (1) (b) of the statutes is amended to read:

11 454.08 (1) (b) Except as permitted by rule promulgated under par. (a) or (am),
12 no person may practice cosmetology, aesthetics, electrology, or manicuring in an
13 establishment unless the establishment is licensed to provide that practice under
14 sub. (2).

15 **SECTION 31.** 454.08 (4) of the statutes is amended to read:

16 454.08 (4) The examining board shall, by rule, establish minimum standards
17 concerning the maintenance, equipment, plans, and specifications for licensed
18 establishments as they relate to the public health and safety. The examining board
19 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
20 ~~manager of, or~~ a barber or cosmetologist in, an establishment licensed under this
21 section. The examining board may not license an establishment under this section
22 unless it meets the standards established by the examining board. A person
23 proposing to open an establishment in a new location shall apply to the examining
24 board for an inspection and approval of the establishment, submitting an exact

1 description and floor plan of the proposed location of the establishment on a form
2 provided by the department.

3 **SECTION 32.** 454.08 (6) of the statutes is amended to read:

4 454.08 (6) A person who owns a cosmetology establishment shall employ at
5 least one person as a manager who holds a cosmetology manager license and
6 manages the establishment on a full-time basis. The ~~cosmetology manager of a~~
7 cosmetology establishment shall ensure that the establishment operates in
8 compliance with this subchapter and rules promulgated by the examining board.

9 **SECTION 33.** 454.10 (3) (a) of the statutes is amended to read:

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

18 **SECTION 34.** 454.13 (1) (intro.) of the statutes is amended to read:

19 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
20 440.05 (2), the examining board may issue a license to practice cosmetology,
21 aesthetics, electrology, or manicuring ~~or to practice as a cosmetology manager~~ to an
22 applicant who is licensed in another state or territory of the United States or in
23 another country to perform services that are substantially the same as those
24 performed by licensees in this state and to whom either of the following applies:

25 **SECTION 35.** 454.13 (2) of the statutes is amended to read:

1 454.13 (2) The examining board may enter into reciprocal agreements with
2 officials of other states for licensing cosmetologists, aestheticians, electrologists, and
3 manicurists, ~~and cosmetology managers~~ and grant licenses to persons licensed in
4 other states according to the terms of such an agreement.

5 **SECTION 36.** 454.20 (3) of the statutes is repealed.

6 **SECTION 37.** 454.20 (9) of the statutes is repealed.

7 **SECTION 38.** 454.20 (12) of the statutes is repealed.

8 **SECTION 39.** 454.22 (1) (b) of the statutes is repealed.

9 **SECTION 40.** 454.22 (1) (g) of the statutes is repealed.

10 **SECTION 41.** 454.22 (2) of the statutes is amended to read:

11 454.22 (2) No person may use the title “barber” or “hairstylist” or any other
12 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
13 licensed cosmetologist, ~~or licensed cosmetology manager.~~

14 **SECTION 42.** 454.23 (3) of the statutes is repealed.

15 **SECTION 43.** 454.23 (4) of the statutes is amended to read:

16 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
17 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
18 a licensed barber ~~or licensed barbering manager~~. The licensee shall post the
19 certificate in a conspicuous place in the primary establishment where the licensee
20 practices.

21 **SECTION 44.** 454.23 (5) of the statutes is amended to read:

22 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates date for licenses a
23 license granted under ~~subs. sub. (2) and (3)~~ is specified under s. 440.08 (2) (a), and
24 the renewal fees fee for ~~those licenses~~ are that license is determined by the
25 department under s. 440.03 (9) (a).

1 **SECTION 45.** 454.23 (6) (a) of the statutes is amended to read:

2 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
3 to the department to classify that license as inactive. Upon application under this
4 paragraph, the department may classify a license as inactive if the department
5 determines that the person who holds that license is in good standing with the
6 department and intends to refrain from barbering during the period that the license
7 is inactive.

8 **SECTION 46.** 454.24 (2) of the statutes is amended to read:

9 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
10 of written tests and practical demonstrations requiring applicants to demonstrate
11 minimum competency in services and subjects substantially related to the practice
12 of a barber ~~or barbering manager, as appropriate,~~ and public health and safety.

13 **SECTION 47.** 454.24 (4) of the statutes is amended to read:

14 454.24 (4) An applicant for a license under s. 454.23 (2) ~~or (3)~~ shall file an
15 application for examination in the office of the department at least 3 weeks before
16 the examination. If an applicant fails to file the application within the required time,
17 the department may postpone the applicant's examination to the date of the next
18 available regular examination. The department may require an applicant who fails
19 to appear for or to complete an examination to reapply for examination. An applicant
20 who fails an examination may request reexamination and shall pay a fee for
21 reexamination, according to the procedures and fees established under s. 440.06.

22 **SECTION 48.** 454.25 (1) (a) of the statutes is amended to read:

23 454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with
24 protection of the public health, safety, and welfare permitting the provision of
25 barbering services by a barber outside of a licensed barbering establishment or a

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1 licensed cosmetology establishment by a barber. The rules promulgated under this
2 paragraph shall include rules permitting the provision of barbering services to a
3 person who is unable to leave his or her home because of illness or disability or who
4 is in a hospital, nursing home, correctional institution, or other institution.

5 **SECTION 49.** 454.25 (4) of the statutes is amended to read:

6 454.25 (4) A person who is not a licensed barber, ~~licensed barbering manager,~~
7 ~~or licensed cosmetologist, or licensed cosmetology manager~~ may own or operate a
8 licensed barbering establishment, but may not practice barbering.

9 **SECTION 50.** 454.25 (5) of the statutes is amended to read:

10 454.25 (5) A person who owns a licensed barbering establishment shall employ
11 at least one person as a manager who is a licensed ~~barbering manager~~ barber or
12 licensed ~~cosmetology manager~~ cosmetologist and works full-time in the
13 establishment.

14 **SECTION 51.** 454.26 (3) (a) of the statutes is amended to read:

15 454.26 (3) (a) An apprentice in barbering may not practice barbering except
16 ~~under the supervision of a licensed barbering manager or licensed cosmetology~~
17 ~~manager or under the supervision of a licensed barber or licensed cosmetologist to~~
18 ~~whom supervisory authority has been delegated by a licensed barbering manager or~~
19 ~~licensed cosmetology manager. A licensed barbering manager or licensed~~
20 ~~cosmetology manager may only delegate supervisory authority to a licensed barber~~
21 ~~or licensed cosmetologist who has completed at least 2,000 hours of practice as a~~
22 licensed barber or licensed cosmetologist.

23 **SECTION 52.** 454.27 (1) (intro.) of the statutes is amended to read:

24 454.27 (1) (intro.) Upon application and payment of the fee specified in s.
25 440.05 (2), the department may grant a license to practice barbering ~~or to practice~~

INS 11-8 1

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

5 **SECTION 53.** 454.287 of the statutes is amended to read:

6 **454.287 Advisory committee.** The secretary shall appoint an advisory
7 committee under s. 440.042 to advise the department on matters relating to the
8 regulation of barbers, ~~barbering managers~~, and barbering establishments under this
9 subchapter and the rules required under s. 440.62 (5) (b) 2.

10 **SECTION 54. Nonstatutory provisions.**

11 (1) TRANSITIONAL PROVISIONS.

12 (a) *Cosmetology managers.* Notwithstanding sections 454.06 (2) and 454.13 (1)
13 of the statutes, on the effective date of this paragraph, a person who, immediately
14 prior to the effective date of this paragraph, held a valid cosmetology manager license
15 under section 454.06 (3), 2015 stats., or 454.13 (1), 2015 stats., is considered to be a^{e shall}
16 licensed cosmetologist under section 454.06 (2) or 454.13 (1) of the statutes, as^e
17 appropriate, and the cosmetology examining board shall issue a cosmetologist^e
18 license to the person. If the person's cosmetology manager license was classified as
19 inactive under section 454.06 (8m) of the statutes, the cosmetologist license issued^e
20 under this paragraph shall likewise be classified as inactive.

21 (b) *Barbering managers.* Notwithstanding sections 454.23 (2) and 454.27 (1)
22 of the statutes, on the effective date of this paragraph, a person who, immediately
23 prior to the effective date of this paragraph, held a valid barbering manager license
24 under section 454.23 (3), 2015 stats., or 454.27 (1), 2015 stats., is considered to be a^{e shall}
25 licensed barber under section 454.23 (2) or 454.27 (1) of the statutes, as appropriate,^e

1 and, the department of safety and professional services shall issue a barber license
2 to the person. If the person's barbering manager license was classified as inactive
3 under section 454.23 (6) of the statutes, the barber license issued under this
4 paragraph shall likewise be classified as inactive.

INS 13-4 1
5

(END)

SA ✓
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2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0855/P2ins

KP:...
amm

INS A

DSPS

This bill also eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to hold a certificate granted by the Department of Safety and Professional Services in order to provide instruction in their respective professions. Under current law, cosmetologists, aestheticians, electrologists, and manicurists licensed by the Cosmetology Examining Board must hold an additional certificate as an instructor and meet certain other requirements in order to provide instruction in their professions. Current law also requires barbers licensed by DSPS to hold an additional certificate as an instructor and meet certain other requirements in order to provide practical instruction in barbering.

INS 2-2

SECTION 1. 440.03 (13) (b) 5. of the statutes is repealed.

SECTION 2. 440.03 (13) (b) 14. of the statutes is repealed.

SECTION 3. 440.03 (13) (b) 15. of the statutes is repealed.

SECTION 4. 440.03 (13) (b) 19m. of the statutes is repealed.

SECTION 5. 440.03 (13) (b) 19s. of the statutes is repealed.

SECTION 6. 440.03 (13) (b) 27. of the statutes is repealed.

SECTION 7. 440.03 (13) (b) 35. of the statutes is repealed.

SECTION 8. 440.08 (2) (a) 7. of the statutes is repealed.

SECTION 9. 440.08 (2) (a) 17. of the statutes is repealed.

SECTION 10. 440.08 (2) (a) 18. of the statutes is repealed.

SECTION 11. 440.08 (2) (a) 24g. of the statutes is repealed.

SECTION 12. 440.08 (2) (a) 24i. of the statutes is repealed.

SECTION 13. 440.08 (2) (a) 32. of the statutes is repealed.

SECTION 14. 440.08 (2) (a) 43. of the statutes is repealed.

END INS 2-2

INS 3-2

SECTION 15. 440.63 (1) (title) of the statutes is repealed.

SECTION 16. 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and amended to read:

440.63 (1m) No person may provide practical instruction in barbering unless the person holds a current ~~barbering instructor or cosmetology instructor certificate issued barber license granted by the department or cosmetologist license granted by the cosmetology examining board.~~

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

SECTION 17. 440.63 (1) (am) of the statutes is renumbered 440.63 (2m) and amended to read:

440.63 (2m) No person may provide practical instruction in cosmetology unless the person holds a current ~~cosmetology instructor certificate issued by the department~~ cosmetologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

SECTION 18. 440.63 (1) (b) of the statutes is renumbered 440.63 (3m) and amended to read:

440.63 (3m) No person may provide practical instruction in aesthetics unless the person holds a current ~~aesthetics instructor or cosmetology instructor certificate issued by the department~~ aesthetician license or cosmetologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

SECTION 19. 440.63 (1) (c) of the statutes is renumbered 440.63 (4) and amended to read:

440.63 (4) No person may provide practical instruction in electrology unless the person holds a current ~~electrology instructor certificate issued by the department~~ electrologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

SECTION 20. 440.63 (1) (d) of the statutes is renumbered 440.63 (5) and amended to read:

440.63 (5) No person may provide practical instruction in manicuring unless the person holds a current ~~manicuring instructor or cosmetology instructor certificate issued by the department~~ manicurist license or cosmetologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

SECTION 21. 440.63 (2) of the statutes is repealed.

SECTION 22. 440.63 (3) of the statutes is repealed.

SECTION 23. 440.635 of the statutes is amended to read:

440.635 Persons providing practical instruction in specialty schools.

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

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

(3) No person may provide practical instruction in a specialty school of manicuring unless the person holds a current ~~cosmetology manager~~ cosmetologist license or manicurist license issued by the cosmetology examining board ~~or a current~~

~~cosmetology instructor or manicuring instructor certificate issued by the department.~~

History: 1987 a. 265; 2011 a. 190.

SECTION 24. 440.64 (3) (b) (intro.) of the statutes is amended to read:

440.64 (3) (b) (intro.) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a licensee ~~or certified instructor~~ or deny, limit, suspend[^] or revoke a license ~~or certificate~~ under this subchapter if it finds that the applicant, or licensee or certified instructor has done any of the following:

History: 1987 a. 265; 2011 a. 190.

END INS 3-2

INS 5-14

SECTION 25. 454.06 (4) (b) 2. of the statutes is amended to read:

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

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

SECTION 26. 454.06 (5) (b) 2. of the statutes is amended to read:

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

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

SECTION 27. 454.06 (6) (b) 2. of the statutes is amended to read:

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

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

END INS 5-14

INS 6-20

SECTION 28. 454.08 (1) (a) of the statutes is amended to read:

454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with protection of the public health, safety, and welfare permitting the provision of personal care practice of cosmetology, aesthetics, electrology, or and manicuring services outside of licensed establishments by cosmetologists, aestheticians, electrologists, and manicurists. The rules promulgated under this paragraph shall include rules permitting the provision of personal care cosmetology, aesthetics, electrology, and manicuring services 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.

History: 1987 a. 265; 1991 a. 39; 1997 a. 27; 2007 a. 20; 2011 a. 146, 190, 193; 2013 a. 165.

END INS 6-20

INS 9-4

SECTION 29. 454.15 (2) (j) of the statutes is amended to read:

454.15 (2) (j) Violated ^{or} subch. VI of ch. 440 with respect to the practice of cosmetology or electrology or subch. II, or any rule promulgated ^{or} under subch. VI of ch. 440 with respect to the practice of cosmetology or electrology or under subch. II.

History: 1987 a. 265; 1991 a. 39; 2011 a. 190.
END INS 9-4

INS 10-21

SECTION 30. 454.25 (1) (a) of the statutes is amended to read:

454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with protection of the public health, safety, and welfare permitting the provision of barbering services practice of barbering outside of a licensed barbering establishment or a licensed cosmetology establishment by a barber. The rules promulgated under this paragraph shall include rules permitting the provision of barbering services to a person persons who is are unable to leave his or her their home because of illness or disability or who is are in a ~~hospital~~ hospitals, nursing ~~home~~ homes, ~~correctional institution~~ institutions, or other ~~institution~~ institutions.

History: 2011 a. 190.
END INS 10-21

INS 11-8

SECTION 31. 454.25 (5) of the statutes is amended to read:

454.25 (5) A person who owns a licensed barbering establishment shall employ at least one person as a manager who is a licensed ~~barbering manager~~ barber or licensed ~~cosmetology manager~~ cosmetologist and works full-time in the establishment. The manager of a licensed barbering establishment shall ensure that the establishment operates in compliance with this subchapter and the rules promulgated by the department under this subchapter.

History: 2011 a. 190.
END INS 11-8

INS 12-9

SECTION 32. 454.29 (2) (i) of the statutes is amended to read:

454.29 (2) (i) Violated ^{or} subch. VI of ch. 440 with respect to the practice of barbering or (this subchapter) or any rule promulgated ^{or} under subch. VI of ch. 440 with respect to the practice of barbering or under this subchapter.

History: 2011 a. 190.

END INS 12-9

INS 13-4

SECTION 33. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The ^{a treatment} amendment of sections 454.08 (1) (a) and 454.25 (1) (a) of the statutes, ^s take effect on the first day of the 7th month beginning after publication.

END INS 13-4

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1 INS 4-7 ✓

2 **SECTION 1.** 440.64 (3) (c) of the statutes is amended to read:

3 440.64 **(3)** (c) In addition to or in lieu of a reprimand or denial, limitation,

4 suspension, or revocation of a license or certificate under par. (b), the department may

5 assess against a school, or specialty school or instructor a forfeiture of not less than

6 \$100 nor more than \$5,000 for each violation enumerated under par. (b).

History: 1987 a. 265; 2011 a. 190.