



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0855/R2 *de 1*

KP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 2/24/2017
OUT: 2/24/2017

1 **AN ACT to repeal** 440.03 (13) (b) 5., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.03
2 (13) (b) 19m., 440.03 (13) (b) 19s., 440.03 (13) (b) 27., 440.03 (13) (b) 35., 440.08
3 (2) (a) 7., 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 24g., 440.08 (2) (a)
4 24i., 440.08 (2) (a) 32., 440.08 (2) (a) 43., 440.60 (4s), 440.60 (5s), 440.62 (3) (ag)
5 3., 440.62 (3) (ar) 3., 440.63 (1) (title), 440.63 (2), 440.63 (3), 454.01 (7s), 454.06
6 (3), 454.20 (3), 454.20 (9), 454.20 (12), 454.22 (1) (b), 454.22 (1) (g) and 454.23
7 (3); **to renumber and amend** 440.63 (1) (a), 440.63 (1) (am), 440.63 (1) (b),
8 440.63 (1) (c) and 440.63 (1) (d); and **to amend** 440.62 (5) (a), 440.635, 440.64
9 (3) (b) (intro.), 440.64 (3) (c), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d), 454.04
10 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06 (4) (b) 2., 454.06 (5) (b) 2., 454.06 (6)
11 (b) 2., 454.06 (7), 454.07 (1), 454.08 (1) (a), 454.08 (4), 454.08 (6), 454.10 (3) (a),
12 454.13 (1) (intro.), 454.13 (2), 454.15 (2) (j), 454.22 (2), 454.23 (4), 454.23 (5),
13 454.23 (6) (a), 454.24 (2), 454.24 (4), 454.25 (1) (a), 454.25 (4), 454.25 (5), 454.26
14 (3) (a), 454.27 (1) (intro.), 454.287 and 454.29 (2) (i) of the statutes; **relating to:**
15 practicing barbering and cosmetology outside licensed establishments,

1 regulating barbering and cosmetology managers, and instructor certificates for
2 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.

The bill also eliminates the separate licensure of cosmetology managers and barbering managers. Managers of cosmetology establishments and barbering establishments are required to 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, required to ensure such compliance, of a cosmetology establishment, and either a licensed cosmetologist or a licensed barber must be designated as the manager, required to ensure such compliance, 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.

This bill also eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to hold a certificate granted by DSPS 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.

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) 5. of the statutes is repealed.
- 4 **SECTION 2.** 440.03 (13) (b) 14. of the statutes is repealed.
- 5 **SECTION 3.** 440.03 (13) (b) 15. of the statutes is repealed.
- 6 **SECTION 4.** 440.03 (13) (b) 19m. of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

11 **SECTION 15.** 440.60 (4s) of the statutes is repealed.

12 **SECTION 16.** 440.60 (5s) of the statutes is repealed.

13 **SECTION 17.** 440.62 (3) (ag) 3. of the statutes is repealed.

14 **SECTION 18.** 440.62 (3) (ar) 3. of the statutes is repealed.

15 **SECTION 19.** 440.62 (5) (a) of the statutes is amended to read:

16 440.62 (5) (a) No specialty school may offer theoretical instruction for
17 ~~managers or~~ apprentices.

18 **SECTION 20.** 440.63 (1) (title) of the statutes is repealed.

19 **SECTION 21.** 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and
20 amended to read:

21 440.63 (1m) No person may provide practical instruction in barbering unless
22 the person holds a current ~~barbering instructor or cosmetology instructor certificate~~
23 issued barber license granted by the department or cosmetologist license granted by
24 the cosmetology examining board.

1 **SECTION 22.** 440.63 (1) (am) of the statutes is renumbered 440.63 (2m) and
2 amended to read:

3 **440.63 (2m)** No person may provide practical instruction in cosmetology unless
4 the person holds a current ~~cosmetology instructor certificate issued by the~~
5 department cosmetologist license granted by the cosmetology examining board.

6 **SECTION 23.** 440.63 (1) (b) of the statutes is renumbered 440.63 (3m) and
7 amended to read:

8 **440.63 (3m)** No person may provide practical instruction in aesthetics unless
9 the person holds a current ~~aesthetics instructor or cosmetology instructor certificate~~
10 issued by the department aesthetician license or cosmetologist license granted by the
11 cosmetology examining board.

12 **SECTION 24.** 440.63 (1) (c) of the statutes is renumbered 440.63 (4) and
13 amended to read:

14 **440.63 (4)** No person may provide practical instruction in electrology unless the
15 person holds a current ~~electrology instructor certificate issued by the department~~
16 electrologist license granted by the cosmetology examining board.

17 **SECTION 25.** 440.63 (1) (d) of the statutes is renumbered 440.63 (5) and
18 amended to read:

19 **440.63 (5)** No person may provide practical instruction in manicuring unless
20 the person holds a current ~~manicuring instructor or cosmetology instructor~~
21 ~~certificate issued by the department~~ manicurist license or cosmetologist license
22 granted by the cosmetology examining board.

23 **SECTION 26.** 440.63 (2) of the statutes is repealed.

24 **SECTION 27.** 440.63 (3) of the statutes is repealed.

25 **SECTION 28.** 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.~~

SECTION 29. 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:

SECTION 30. 440.64 (3) (c) of the statutes is amended to read:

440.64 (3) (c) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license ~~or certificate~~ under par. (b), the department may assess against a school, or specialty school ~~or instructor~~ a forfeiture of not less than \$100 nor more than \$5,000 for each violation enumerated under par. (b).

SECTION 31. 454.01 (7s) of the statutes is repealed.

1 **SECTION 32.** 454.04 (1) (a) of the statutes is amended to read:

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

8 **SECTION 33.** 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, or cosmetologist license, ~~or cosmetology manager license~~ issued by the
12 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 cosmetology course of instruction.

15 **SECTION 34.** 454.04 (1) (d) of the statutes is amended to read:

16 454.04 (1) (d) No person may engage in manicuring unless the person has
17 received training in the areas of service provided and holds a current manicurist
18 license, or cosmetologist license, ~~or cosmetology manager license~~ issued by the
19 examining board that is not an inactive license or temporary permit or training
20 permit issued by the examining board or is an apprentice under s. 454.10 or a student
21 in a manicuring or cosmetology course of instruction.

22 **SECTION 35.** 454.04 (2) (a) of the statutes is amended to read:

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

1 **SECTION 36.** 454.04 (2) (b) of the statutes is amended to read:

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

6 **SECTION 37.** 454.04 (2) (d) of the statutes is amended to read:

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

11 **SECTION 38.** 454.06 (3) of the statutes is repealed.

12 **SECTION 39.** 454.06 (4) (b) 2. of the statutes is amended to read:

13 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not
14 more than 30 weeks under the supervision of a ~~cosmetology instructor or aesthetics~~
15 ~~instructor certified under s. 440.63 (3) (am) or (b) or a licensed cosmetology manager,~~
16 licensed cosmetologist or aesthetician in a licensed establishment that is also
17 licensed as a specialty school of aesthetics under s. 440.62 (4) (a).

18 **SECTION 40.** 454.06 (5) (b) 2. of the statutes is amended to read:

19 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not
20 more than 30 weeks under the supervision of an ~~electrology instructor certified~~
21 ~~under s. 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology~~
22 ~~manager,~~ in a licensed establishment that is also licensed as a specialty school of
23 electrology under s. 440.62 (4) (b).

24 **SECTION 41.** 454.06 (6) (b) 2. of the statutes is amended to read:

1 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
2 and not more than 20 weeks under the supervision of a ~~cosmetology instructor or~~
3 ~~manicuring instructor certified under s. 440.63 (3) (am) or (d) or a licensed~~
4 ~~cosmetology manager,~~ licensed cosmetologist or manicurist in a licensed
5 establishment that is also licensed as a specialty school of manicuring under s.
6 440.62 (4) (c).

7 **SECTION 42.** 454.06 (7) of the statutes is amended to read:

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

14 **SECTION 43.** 454.07 (1) of the statutes is amended to read:

15 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct
16 examinations for cosmetologist, ~~cosmetology manager,~~ aesthetician, electrologist,
17 and manicurist licenses not less than 8 times annually, at times and places
18 determined by the examining board.

19 **SECTION 44.** 454.08 (1) (a) of the statutes is amended to read:

20 454.08 (1) (a) The examining board ~~may shall~~ promulgate rules consistent with
21 protection of the public health, safety, and welfare ~~permitting the provision of~~
22 ~~personal care practice of~~ cosmetology, aesthetics, electrology, ~~or~~ and manicuring
23 services outside of licensed establishments by cosmetologists, aestheticians,
24 electrologists, and manicurists. The rules promulgated under this paragraph shall
25 include rules permitting the provision of personal care cosmetology, aesthetics,

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

4 **SECTION 45.** 454.08 (4) of the statutes is amended to read:

5 454.08 (4) The examining board shall, by rule, establish minimum standards
6 concerning the maintenance, equipment, plans, and specifications for licensed
7 establishments as they relate to the public health and safety. The examining board
8 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
9 manager ~~of,~~ or a barber or cosmetologist in, an establishment licensed under this
10 section. The examining board may not license an establishment under this section
11 unless it meets the standards established by the examining board. A person
12 proposing to open an establishment in a new location shall apply to the examining
13 board for an inspection and approval of the establishment, submitting an exact
14 description and floor plan of the proposed location of the establishment on a form
15 provided by the department.

16 **SECTION 46.** 454.08 (6) of the statutes is amended to read:

17 454.08 (6) A person who owns a cosmetology establishment shall employ at
18 least one person as a manager who holds a cosmetology manager license and
19 manages the establishment on a full-time basis. The ~~cosmetology manager of a~~
20 cosmetology establishment shall ensure that the establishment operates in
21 compliance with this subchapter and rules promulgated by the examining board.

22 **SECTION 47.** 454.10 (3) (a) of the statutes is amended to read:

23 454.10 (3) (a) No apprentice under this section may practice cosmetology
24 ~~except under the supervision of a licensed cosmetology manager, whose cosmetology~~
25 ~~license is not an inactive license, or under the supervision of a licensed cosmetologist,~~

1 whose cosmetology license is not an inactive license, ~~and to whom supervisory~~
2 ~~authority has been delegated by a licensed cosmetology manager.~~ A licensed
3 ~~cosmetology manager may only delegate supervisory authority to a licensed~~
4 ~~cosmetologist~~ and who has completed at least 2,000 hours of practice as a licensed
5 cosmetologist.

6 **SECTION 48.** 454.13 (1) (intro.) of the statutes is amended to read:

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

13 **SECTION 49.** 454.13 (2) of the statutes is amended to read:

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

18 **SECTION 50.** 454.15 (2) (j) of the statutes is amended to read:

19 454.15 (2) (j) Violated subch. II or subch. VI of ch. 440 with respect to the
20 practice of cosmetology or electrology, or any rule promulgated under subch. II or
21 under subch. VI of ch. 440 with respect to the practice of cosmetology or electrology.

22 **SECTION 51.** 454.20 (3) of the statutes is repealed.

23 **SECTION 52.** 454.20 (9) of the statutes is repealed.

24 **SECTION 53.** 454.20 (12) of the statutes is repealed.

25 **SECTION 54.** 454.22 (1) (b) of the statutes is repealed.

1 **SECTION 55.** 454.22 (1) (g) of the statutes is repealed.

2 **SECTION 56.** 454.22 (2) of the statutes is amended to read:

3 454.22 (2) No person may use the title “barber” or “hairstylist” or any other
4 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
5 licensed cosmetologist, ~~or licensed cosmetology manager.~~

6 **SECTION 57.** 454.23 (3) of the statutes is repealed.

7 **SECTION 58.** 454.23 (4) of the statutes is amended to read:

8 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
9 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
10 a licensed barber ~~or licensed barbering manager~~. The licensee shall post the
11 certificate in a conspicuous place in the primary establishment where the licensee
12 practices.

13 **SECTION 59.** 454.23 (5) of the statutes is amended to read:

14 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates date for licenses a
15 license granted under ~~subs. sub. (2) and (3)~~ are is specified under s. 440.08 (2) (a), and
16 the renewal fees fee for ~~those licenses~~ are that license is determined by the
17 department under s. 440.03 (9) (a).

18 **SECTION 60.** 454.23 (6) (a) of the statutes is amended to read:

19 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
20 to the department to classify that license as inactive. Upon application under this
21 paragraph, the department may classify a license as inactive if the department
22 determines that the person who holds that license is in good standing with the
23 department and intends to refrain from barbering during the period that the license
24 is inactive.

25 **SECTION 61.** 454.24 (2) of the statutes is amended to read:

1 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
2 of written tests and practical demonstrations requiring applicants to demonstrate
3 minimum competency in services and subjects substantially related to the practice
4 of a barber ~~or barbering manager, as appropriate,~~ and public health and safety.

5 **SECTION 62.** 454.24 (4) of the statutes is amended to read:

6 454.24 (4) An applicant for a license under s. 454.23 (2) ~~or (3)~~ shall file an
7 application for examination in the office of the department at least 3 weeks before
8 the examination. If an applicant fails to file the application within the required time,
9 the department may postpone the applicant's examination to the date of the next
10 available regular examination. The department may require an applicant who fails
11 to appear for or to complete an examination to reapply for examination. An applicant
12 who fails an examination may request reexamination and shall pay a fee for
13 reexamination, according to the procedures and fees established under s. 440.06.

14 **SECTION 63.** 454.25 (1) (a) of the statutes is amended to read:

15 454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with
16 protection of the public health, safety, and welfare permitting the ~~provision of~~
17 ~~barbering services~~ practice of barbering outside of a licensed barbering
18 establishment or a licensed cosmetology establishment by a barber. The rules
19 promulgated under this paragraph shall include rules permitting the provision of
20 barbering services to a person persons who is are unable to leave his ~~or her~~ their
21 home because of illness or disability or who is are in a ~~hospital~~ hospitals, nursing
22 home homes, correctional institution institutions, or other institution institutions.

23 **SECTION 64.** 454.25 (4) of the statutes is amended to read:

1 454.25 (4) A person who is not a licensed barber, ~~licensed barbering manager,~~
2 ~~or licensed cosmetologist, or licensed cosmetology manager~~ may own or operate a
3 licensed barbering establishment, but may not practice barbering.

4 **SECTION 65.** 454.25 (5) of the statutes is amended to read:

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

11 **SECTION 66.** 454.26 (3) (a) of the statutes is amended to read:

12 454.26 (3) (a) An apprentice in barbering may not practice barbering except
13 ~~under the supervision of a licensed barbering manager or licensed cosmetology~~
14 ~~manager or under the supervision of a licensed barber or licensed cosmetologist to~~
15 ~~whom supervisory authority has been delegated by a licensed barbering manager or~~
16 ~~licensed cosmetology manager. A licensed barbering manager or licensed~~
17 ~~cosmetology manager may only delegate supervisory authority to a licensed barber~~
18 ~~or licensed cosmetologist who has completed at least 2,000 hours of practice as a~~
19 licensed barber or licensed cosmetologist.

20 **SECTION 67.** 454.27 (1) (intro.) of the statutes is amended to read:

21 454.27 (1) (intro.) Upon application and payment of the fee specified in s.
22 440.05 (2), the department may grant a license to practice barbering ~~or to practice~~
23 ~~as a barbering manager~~ to an applicant who is licensed in another state or territory
24 of the United States or in another country to perform services that are substantially

1 the same as those performed by a licensed barber ~~or licensed barbering manager~~ in
2 this state and to whom at least one of the following applies:

3 **SECTION 68.** 454.287 of the statutes is amended to read:

4 **454.287 Advisory committee.** The secretary shall appoint an advisory
5 committee under s. 440.042 to advise the department on matters relating to the
6 regulation of barbers, ~~barbering managers~~, and barbering establishments under this
7 subchapter and the rules required under s. 440.62 (5) (b) 2.

8 **SECTION 69.** 454.29 (2) (i) of the statutes is amended to read:

9 454.29 (2) (i) Violated this subchapter or subch. VI of ch. 440 with respect to
10 the practice of barbering, or any rule promulgated under this subchapter or under
11 subch. VI of ch. 440 with respect to the practice of barbering.

12 **SECTION 70. Nonstatutory provisions.**

13 (1) TRANSITIONAL PROVISIONS.

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

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

1 barber under section 454.23 (2) or 454.27 (1) of the statutes. If the person's barbering
2 manager license was classified as inactive under section 454.23 (6) of the statutes,
3 the barber license under this paragraph shall likewise be classified as inactive.

4 **SECTION 71. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The treatment of sections 454.08 (1) (a) and 454.25 (1) (a) of the statutes
7 takes effect on the first day of the 7th month beginning after publication.

8 (END)

Milford, Renae

From: Duesterbeck, Melodie
Sent: Friday, February 24, 2017 3:47 PM
To: LRB.Legal
Subject: Draft Review: LRB -0855/1

Please Jacket LRB -0855/1 for the ASSEMBLY.

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



Phone call from Sen. Kapenga's office 3/9
(author of Senate companion to LRB-0855)

- Incorporate changes made to Senate companion (LRB-2087),
which are in 17a0102/P1.

- KP



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0102/P1
KP:klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL (LRB-2087/1)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 8, line 19: delete the material beginning with that line and ending with
3 page 9, line 3, and substitute:

4 **"SECTION 44e.** 454.08 (1) (a) of the statutes is repealed.

5 **SECTION 44m.** 454.08 (1) (am) of the statutes is created to read:

6 454.08 (1) (am) A person may practice cosmetology, aesthetics, electrology, or
7 manicuring outside of a licensed establishment if the person owns, manages, is
8 employed by, or is affiliated with an establishment that is licensed to provide that
9 service under sub. (2).

10 **SECTION 44s.** 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) (am), no
12 person may practice cosmetology, aesthetics, electrology, or manicuring in an

1 establishment unless the establishment is licensed to provide that practice under
2 sub. (2).”.

3 **2.** Page 12, line 14: delete lines 14 to 22 and substitute:

4 “**SECTION 63e.** 454.25 (1) (a) of the statutes is repealed.

5 **SECTION 63m.** 454.25 (1) (am) of the statutes is created to read:

6 454.25 (1) (am) A person may practice barbering outside of a licensed
7 establishment if the person owns, manages, is employed by, or is affiliated with a
8 barbering establishment licensed under sub. (2) or a cosmetology establishment
9 licensed under s. 454.08 (2).

10 **SECTION 63s.** 454.25 (1) (b) of the statutes is amended to read:

11 454.25 (1) (b) Except as permitted by rule promulgated under par. (a) (am), no
12 person may practice barbering in an establishment unless the establishment is a
13 licensed barbering establishment under sub. (2) or licensed cosmetology
14 establishment under s. 454.08 (2).”.

15 **3.** Page 15, line 4: delete lines 4 to 7.

16 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0855/1 *De2*
KP:amn *klm*

2017 BILL

INSERT

IN: 3/9/2017
OUT: 3/9/2017

Regn. Cat.

1 **AN ACT to repeal** 440.03 (13) (b) 5., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.03
2 (13) (b) 19m., 440.03 (13) (b) 19s., 440.03 (13) (b) 27., 440.03 (13) (b) 35., 440.08
3 (2) (a) 7., 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 24g., 440.08 (2) (a)
4 24i., 440.08 (2) (a) 32., 440.08 (2) (a) 43., 440.60 (4s), 440.60 (5s), 440.62 (3) (ag)
5 3., 440.62 (3) (ar) 3., 440.63 (1) (title), 440.63 (2), 440.63 (3), 454.01 (7s), 454.06
6 (3), 454.20 (3), 454.20 (9), 454.20 (12), 454.22 (1) (b), 454.22 (1) (g) and 454.23
7 (3); **to renumber and amend** 440.63 (1) (a), 440.63 (1) (am), 440.63 (1) (b),
8 440.63 (1) (c) and 440.63 (1) (d); and **to amend** 440.62 (5) (a), 440.635, 440.64
9 (3) (b) (intro.), 440.64 (3) (c), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d), 454.04
10 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06 (4) (b) 2., 454.06 (5) (b) 2., 454.06 (6)
11 (b) 2., 454.06 (7), 454.07 (1), 454.08 (1) (a), 454.08 (4), 454.08 (6), 454.10 (3) (a),
12 454.13 (1) (intro.), 454.13 (2), 454.15 (2) (j), 454.22 (2), 454.23 (4), 454.23 (5),
13 454.23 (6) (a), 454.24 (2), 454.24 (4), 454.25 (1) (a), 454.25 (4), 454.25 (5), 454.26
14 (3) (a), 454.27 (1) (intro.), 454.287 and 454.29 (2) (i) of the statutes; **relating to:**

BILL

1 practicing barbering and cosmetology outside licensed establishments,
 2 regulating barbering and cosmetology managers, and instructor certificates for
 3 barbering, cosmetology, and related professions.

Analysis by the Legislative Reference Bureau

INSA e 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 are required to 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, required to ensure such compliance, of a cosmetology establishment, and either a licensed cosmetologist or a licensed barber must be designated as the manager, required to ensure such compliance, 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.

This bill also eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to hold a certificate granted by DSPS 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.

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:

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

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

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

BILL

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

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

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

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

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

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

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

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

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

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

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

12 **SECTION 15.** 440.60 (4s) of the statutes is repealed.

13 **SECTION 16.** 440.60 (5s) of the statutes is repealed.

14 **SECTION 17.** 440.62 (3) (ag) 3. of the statutes is repealed.

15 **SECTION 18.** 440.62 (3) (ar) 3. of the statutes is repealed.

16 **SECTION 19.** 440.62 (5) (a) of the statutes is amended to read:

17 440.62 (5) (a) No specialty school may offer theoretical instruction for
18 ~~managers or~~ apprentices.

19 **SECTION 20.** 440.63 (1) (title) of the statutes is repealed.

20 **SECTION 21.** 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and
21 amended to read:

22 440.63 (1m) No person may provide practical instruction in barbering unless
23 the person holds a current ~~barbering instructor or cosmetology instructor certificate~~
24 issued barber license granted by the department or cosmetologist license granted by
25 the cosmetology examining board.

BILL**SECTION 22**

1 **SECTION 22.** 440.63 (1) (am) of the statutes is renumbered 440.63 (2m) and
2 amended to read:

3 440.63 **(2m)** No person may provide practical instruction in cosmetology unless
4 the person holds a current ~~cosmetology instructor certificate issued by the~~
5 ~~department~~ cosmetologist license granted by the cosmetology examining board.

6 **SECTION 23.** 440.63 (1) (b) of the statutes is renumbered 440.63 (3m) and
7 amended to read:

8 440.63 **(3m)** No person may provide practical instruction in aesthetics unless
9 the person holds a current ~~aesthetics instructor or cosmetology instructor certificate~~
10 ~~issued by the department~~ aesthetician license or cosmetologist license granted by the
11 cosmetology examining board.

12 **SECTION 24.** 440.63 (1) (c) of the statutes is renumbered 440.63 (4) and
13 amended to read:

14 440.63 **(4)** No person may provide practical instruction in electrology unless the
15 person holds a current ~~electrology instructor certificate issued by the department~~
16 ~~electrologist license granted by the cosmetology examining board.~~

17 **SECTION 25.** 440.63 (1) (d) of the statutes is renumbered 440.63 (5) and
18 amended to read:

19 440.63 **(5)** No person may provide practical instruction in manicuring unless
20 the person holds a current ~~manicuring instructor or cosmetology instructor~~
21 ~~certificate issued by the department~~ manicurist license or cosmetologist license
22 granted by the cosmetology examining board.

23 **SECTION 26.** 440.63 (2) of the statutes is repealed.

24 **SECTION 27.** 440.63 (3) of the statutes is repealed.

25 **SECTION 28.** 440.635 of the statutes is amended to read:

BILL**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.~~

SECTION 29. 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:

SECTION 30. 440.64 (3) (c) of the statutes is amended to read:

440.64 (3) (c) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license ~~or certificate~~ under par. (b), the department may assess against a school, or specialty school or instructor a forfeiture of not less than \$100 nor more than \$5,000 for each violation enumerated under par. (b).

SECTION 31. 454.01 (7s) of the statutes is repealed.

BILL**SECTION 32**

1 **SECTION 32.** 454.04 (1) (a) of the statutes is amended to read:

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

8 **SECTION 33.** 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, or cosmetologist license, ~~or cosmetology manager license~~ issued by the
12 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 cosmetology course of instruction.

15 **SECTION 34.** 454.04 (1) (d) of the statutes is amended to read:

16 454.04 (1) (d) No person may engage in manicuring unless the person has
17 received training in the areas of service provided and holds a current manicurist
18 license, or cosmetologist license, ~~or cosmetology manager license~~ issued by the
19 examining board that is not an inactive license or temporary permit or training
20 permit issued by the examining board or is an apprentice under s. 454.10 or a student
21 in a manicuring or cosmetology course of instruction.

22 **SECTION 35.** 454.04 (2) (a) of the statutes is amended to read:

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

BILL

1 **SECTION 36.** 454.04 (2) (b) of the statutes is amended to read:

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

6 **SECTION 37.** 454.04 (2) (d) of the statutes is amended to read:

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

11 **SECTION 38.** 454.06 (3) of the statutes is repealed.

12 **SECTION 39.** 454.06 (4) (b) 2. of the statutes is amended to read:

13 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not
14 more than 30 weeks under the supervision of a ~~cosmetology instructor or aesthetics~~
15 ~~instructor certified under s. 440.63 (3) (am) or (b) or a licensed cosmetology manager,~~
16 licensed cosmetologist or aesthetician in a licensed establishment that is also
17 licensed as a specialty school of aesthetics under s. 440.62 (4) (a).

18 **SECTION 40.** 454.06 (5) (b) 2. of the statutes is amended to read:

19 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not
20 more than 30 weeks under the supervision of an ~~electrology instructor certified~~
21 ~~under s. 440.63 (3) (e), or a licensed electrologist who is also a licensed cosmetology~~
22 ~~manager,~~ in a licensed establishment that is also licensed as a specialty school of
23 electrology under s. 440.62 (4) (b).

24 **SECTION 41.** 454.06 (6) (b) 2. of the statutes is amended to read:

BILL

SECTION 41

1 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
2 and not more than 20 weeks under the supervision of a ~~cosmetology instructor or~~
3 ~~manicuring instructor certified under s. 440.63 (3) (am) or (d) or a licensed~~
4 ~~cosmetology manager~~, licensed cosmetologist or manicurist in a licensed
5 establishment that is also licensed as a specialty school of manicuring under s.
6 440.62 (4) (c).

7 **SECTION 42.** 454.06 (7) of the statutes is amended to read:

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

14 **SECTION 43.** 454.07 (1) of the statutes is amended to read:

15 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct
16 examinations for cosmetologist, ~~cosmetology manager~~, aesthetician, electrologist,
17 and manicurist licenses not less than 8 times annually, at times and places
18 determined by the examining board.

19 **SECTION 44.** 454.08 (1) (a) of the statutes is amended to read:

20 454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with
21 protection of the public health, safety, and welfare permitting the provision of
22 personal care practice of cosmetology, aesthetics, electrology, ~~or~~ and manicuring
23 services outside of licensed establishments by cosmetologists, aestheticians,
24 electrologists, and manicurists. The rules promulgated under this paragraph shall
25 include rules permitting the provision of personal care cosmetology, aesthetics,

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

4 **SECTION 45.** 454.08 (4) of the statutes is amended to read:

5 454.08 (4) The examining board shall, by rule, establish minimum standards
6 concerning the maintenance, equipment, plans, and specifications for licensed
7 establishments as they relate to the public health and safety. The examining board
8 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
9 ~~manager of,~~ or a barber or cosmetologist in, an establishment licensed under this
10 section. The examining board may not license an establishment under this section
11 unless it meets the standards established by the examining board. A person
12 proposing to open an establishment in a new location shall apply to the examining
13 board for an inspection and approval of the establishment, submitting an exact
14 description and floor plan of the proposed location of the establishment on a form
15 provided by the department.

16 **SECTION 46.** 454.08 (6) of the statutes is amended to read:

17 454.08 (6) A person who owns a cosmetology establishment shall employ at
18 least one person as a manager who holds a cosmetology ~~manager~~ license and
19 manages the establishment on a full-time basis. The ~~cosmetology manager of a~~
20 cosmetology establishment shall ensure that the establishment operates in
21 compliance with this subchapter and rules promulgated by the examining board.

22 **SECTION 47.** 454.10 (3) (a) of the statutes is amended to read:

23 454.10 (3) (a) No apprentice under this section may practice cosmetology
24 ~~except under the supervision of a licensed cosmetology manager, whose cosmetology~~
25 ~~license is not an inactive license, or under the supervision of a licensed cosmetologist,~~

BILL**SECTION 47**

1 whose cosmetology license is not an inactive license, ~~and to whom supervisory~~
2 ~~authority has been delegated by a licensed cosmetology manager. A licensed~~
3 ~~cosmetology manager may only delegate supervisory authority to a licensed~~
4 ~~cosmetologist~~ and who has completed at least 2,000 hours of practice as a licensed
5 cosmetologist.

6 **SECTION 48.** 454.13 (1) (intro.) of the statutes is amended to read:

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

13 **SECTION 49.** 454.13 (2) of the statutes is amended to read:

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

18 **SECTION 50.** 454.15 (2) (j) of the statutes is amended to read:

19 454.15 (2) (j) Violated subch. II or subch. VI of ch. 440 with respect to the
20 practice of cosmetology or electrology, or any rule promulgated under subch. II or
21 under subch. VI of ch. 440 with respect to the practice of cosmetology or electrology.

22 **SECTION 51.** 454.20 (3) of the statutes is repealed.

23 **SECTION 52.** 454.20 (9) of the statutes is repealed.

24 **SECTION 53.** 454.20 (12) of the statutes is repealed.

25 **SECTION 54.** 454.22 (1) (b) of the statutes is repealed.

BILL

1 **SECTION 55.** 454.22 (1) (g) of the statutes is repealed.

2 **SECTION 56.** 454.22 (2) of the statutes is amended to read:

3 454.22 (2) No person may use the title “barber” or “hairstylist” or any other
4 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
5 licensed cosmetologist, ~~or licensed cosmetology manager.~~

6 **SECTION 57.** 454.23 (3) of the statutes is repealed.

7 **SECTION 58.** 454.23 (4) of the statutes is amended to read:

8 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
9 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
10 a licensed barber ~~or licensed barbering manager.~~ The licensee shall post the
11 certificate in a conspicuous place in the primary establishment where the licensee
12 practices.

13 **SECTION 59.** 454.23 (5) of the statutes is amended to read:

14 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates date for licenses a
15 license granted under ~~subs. sub. (2) and (3)~~ are is specified under s. 440.08 (2) (a), and
16 the renewal fees fee for ~~those licenses~~ are that license is determined by the
17 department under s. 440.03 (9) (a).

18 **SECTION 60.** 454.23 (6) (a) of the statutes is amended to read:

19 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
20 to the department to classify that license as inactive. Upon application under this
21 paragraph, the department may classify a license as inactive if the department
22 determines that the person who holds that license is in good standing with the
23 department and intends to refrain from barbering during the period that the license
24 is inactive.

25 **SECTION 61.** 454.24 (2) of the statutes is amended to read:

BILL

SECTION 61

1 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
2 of written tests and practical demonstrations requiring applicants to demonstrate
3 minimum competency in services and subjects substantially related to the practice
4 of a barber ~~or barbering manager, as appropriate,~~ and public health and safety.

5 **SECTION 62.** 454.24 (4) of the statutes is amended to read:

6 454.24 (4) An applicant for a license under s. 454.23 (2) ~~or (3)~~ shall file an
7 application for examination in the office of the department at least 3 weeks before
8 the examination. If an applicant fails to file the application within the required time,
9 the department may postpone the applicant's examination to the date of the next
10 available regular examination. The department may require an applicant who fails
11 to appear for or to complete an examination to reapply for examination. An applicant
12 who fails an examination may request reexamination and shall pay a fee for
13 reexamination, according to the procedures and fees established under s. 440.06.

14 **SECTION 63.** 454.25 (1) (a) of the statutes is amended to read:

15 454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with
16 protection of the public health, safety, and welfare permitting the ~~provision of~~
17 ~~barbering services~~ practice of barbering outside of a licensed barbering
18 establishment or a licensed cosmetology establishment by a barber. The rules
19 promulgated under this paragraph shall include rules permitting the provision of
20 barbering services to a person persons who is are unable to leave ~~his or her~~ their
21 home because of illness or disability or who is are in a ~~hospital~~ hospitals, nursing
22 ~~home~~ homes, correctional ~~institution~~ institutions, or other ~~institution~~ institutions.

23 **SECTION 64.** 454.25 (4) of the statutes is amended to read:

BILL

1 454.25 (4) A person who is not a licensed barber, ~~licensed barbering manager,~~
2 ~~or licensed cosmetologist, or licensed cosmetology manager~~ may own or operate a
3 licensed barbering establishment, but may not practice barbering.

4 **SECTION 65.** 454.25 (5) of the statutes is amended to read:

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

11 **SECTION 66.** 454.26 (3) (a) of the statutes is amended to read:

12 454.26 (3) (a) An apprentice in barbering may not practice barbering except
13 ~~under the supervision of a licensed barbering manager or licensed cosmetology~~
14 ~~manager or~~ under the supervision of a licensed barber or licensed cosmetologist to
15 ~~whom supervisory authority has been delegated by a licensed barbering manager or~~
16 ~~licensed cosmetology manager. A licensed barbering manager or licensed~~
17 ~~cosmetology manager may only delegate supervisory authority to a licensed barber~~
18 ~~or licensed cosmetologist who has completed at least 2,000 hours of practice as a~~
19 licensed barber or licensed cosmetologist.

20 **SECTION 67.** 454.27 (1) (intro.) of the statutes is amended to read:

21 454.27 (1) (intro.) Upon application and payment of the fee specified in s.
22 440.05 (2), the department may grant a license to practice barbering ~~or to practice~~
23 ~~as a barbering manager~~ to an applicant who is licensed in another state or territory
24 of the United States or in another country to perform services that are substantially

BILL**SECTION 67**

1 the same as those performed by a licensed barber ~~or licensed barbering manager~~ in
2 this state and to whom at least one of the following applies:

3 **SECTION 68.** 454.287 of the statutes is amended to read:

4 **454.287 Advisory committee.** The secretary shall appoint an advisory
5 committee under s. 440.042 to advise the department on matters relating to the
6 regulation of barbers, ~~barbering managers,~~ and barbering establishments under this
7 subchapter and the rules required under s. 440.62 (5) (b) 2.

8 **SECTION 69.** 454.29 (2) (i) of the statutes is amended to read:

9 454.29 (2) (i) Violated this subchapter or subch. VI of ch. 440 with respect to
10 the practice of barbering, or any rule promulgated under this subchapter or under
11 subch. VI of ch. 440 with respect to the practice of barbering.

12 **SECTION 70. Nonstatutory provisions.**

13 (1) TRANSITIONAL PROVISIONS.

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

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

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1 barber under section 454.23 (2) or 454.27 (1) of the statutes. If the person's barbering
2 manager license was classified as inactive under section 454.23 (6) of the statutes,
3 the barber license under this paragraph shall likewise be classified as inactive.

4 **SECTION 71. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The treatment of sections 454.08 (1) (a) and 454.25 (1) (a) of the statutes
7 takes effect on the first day of the 7th month beginning after publication.

8 (END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0855/2ins
KP:...

INS A

This bill permits the practice of cosmetology, aesthetics, manicuring, and barbering outside of a licensed establishment if a person licensed to engage in that practice owns, manages, is employed by, or is affiliated with an establishment licensed to provide that service. Under current law, the Cosmetology Examining Board, in the case of cosmetology, aesthetics, and manicuring, and the Department of Safety and Professional Services, in the case of barbering, are authorized to promulgate rules permitting those practices outside of a licensed establishment only for services provided to persons who are homebound or in a hospital, nursing home, correctional institution, or other institution.

END INS A

INS 8-18

SECTION 1. 454.08 (1) (a) of the statutes is repealed.

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

454.08 (1) (am) A person may practice cosmetology, aesthetics, electrology, or manicuring outside of a licensed establishment if the person owns, manages, is employed by, or is affiliated with an establishment that is licensed to provide that service under sub. (2).

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

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

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

END INS 8-18

INS 12-13

SECTION 4. 454.25 (1) (a) of the statutes is repealed.

SECTION 5. 454.25 (1) (am) of the statutes is created to read:

454.25 (1) (am) A person may practice barbering outside of a licensed establishment if the person owns, manages, is employed by, or is affiliated with a barbering establishment licensed under sub. (2) or a cosmetology establishment licensed under s. 454.08 (2).

SECTION 6. 454.25 (1) (b) of the statutes is amended to read:

454.25 (1) (b) Except as permitted by rule promulgated under par. (a) (am), no person may practice barbering in an establishment unless the establishment is a licensed barbering establishment under sub. (2) or licensed cosmetology establishment under s. 454.08 (2).

History: 2011 a. 190.

END INS 12-13