

2017 Senate Bill 108 (LRB -1904)

An Act to repeal 454.12 and 454.265; and to amend 454.13 (1) (a) and 454.27 (1) (a) of the statutes; relating to: cosmetology and barbering continuing education requirements and licensure of barbers, cosmetologists, and related professionals from jurisdictions outside Wisconsin. (FE)

2017

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|--------|----|--|-----|
| 03-16. | S. | Introduced by Senators Kapenga, L. Taylor, Craig, Darling, Harsdorf, Nass and Stroebel; cosponsored by Representatives Kooyenga, Kleefisch, Allen, Berceau, Brandtjen, R. Brooks, Doyle, Duchow, Felzkowski, Fields, Horlacher, Hutton, Jacque, Jarchow, Katsma, Knodl, Kremer, Krug, Macco, Mursau, Neylon, Petryk, Skowronski and Spiros. | 137 |
| 03-16. | S. | Read first time and referred to Committee on Public Benefits, Licensing and State-Federal Relations | 137 |
| 03-21. | S. | Representative Murphy added as a cosponsor | 142 |
| 03-30. | S. | Fiscal estimate received | |
| 04-04. | S. | Representative Berceau withdrawn as a cosponsor | 170 |
| 04-05. | S. | Representative Doyle withdrawn as a cosponsor | 179 |
| 04-06. | S. | Public hearing held | |
| 04-18. | S. | Representative Steffen added as a cosponsor | 201 |
| 05-02. | S. | Senate Amendment 1 offered by Senator Johnson (LRB a0388) | 224 |
| 05-02. | S. | Senate Amendment 2 offered by Senator Kapenga (LRB a0483) | 224 |
| 05-03. | S. | Executive action taken | |
| 05-03. | S. | Report adoption of Senate Amendment 2 recommended by Committee on Public Benefits, Licensing and State-Federal Relations, Ayes 5, Noes 0 | 235 |
| 05-03. | S. | Report passage as amended recommended by Committee on Public Benefits, Licensing and State-Federal Relations, Ayes 3, Noes 2 | 235 |
| 05-03. | S. | Available for scheduling | |
| 05-03. | S. | Representative Fields withdrawn as a cosponsor | 236 |
| 06-09. | S. | Placed on calendar 6-14-2017 pursuant to Senate Rule 18(1) | 306 |
| 06-14. | S. | Senate Amendment 3 offered by Senators Johnson, Vinehout, Carpenter, Erpenbach, Risser, Ringhand, Miller, Bewley, Hansen and Larson (LRB a0711) | 312 |
| 06-14. | S. | Read a second time | 315 |
| 06-14. | S. | Senate Amendment 2 adopted | 315 |
| 06-14. | S. | Senate Amendment 3 rejected | 315 |
| 06-14. | S. | Ordered to a third reading | 315 |
| 06-14. | S. | Rules suspended | 315 |
| 06-14. | S. | Read a third time and passed | 315 |
| 06-14. | S. | Ordered immediately messaged | 316 |
| 06-14. | A. | Received from Senate | 283 |
| 06-20. | A. | Read first time and referred to committee on Rules | 307 |
| 07-11. | A. | Printed engrossed by the direction of the Assembly Chief Clerk (LRB -3848) | |
| 11-07. | A. | Placed on calendar 11-9-2017 by Committee on Rules | |
| 11-09. | A. | Read a second time | |
| 11-09. | A. | Ordered to a third reading | |
| 11-09. | A. | Rules suspended | |
| 11-09. | A. | Read a third time and concurred in | |
| 11-09. | A. | Representative Young added as a cosponsor | |
| 11-09. | A. | Ordered immediately messaged | |
| 11-10. | S. | Received from Assembly concurred in | |

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2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17-3848,1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

Topic: Same as relating clause or other, indicated below.

11/13/17

Date

Enrolling Drafter



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3848/1
KP:jld&kjf

ENGROSSED 2017 SENATE BILL 108

June 22, 2017 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT** *to repeal* 454.12 (2); *to consolidate, renumber and amend* 454.12
2 (intro.) and (1); *to amend* 454.06 (8), 454.13 (1) (a), 454.23 (5) and 454.27 (1)
3 (a); *to repeal and recreate* 454.265; and *to create* 454.125 and 454.267 of the
4 statutes; **relating to:** cosmetology and barbering continuing education
5 requirements and licensure of barbers, cosmetologists, and related
6 professionals from jurisdictions outside Wisconsin.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2017 Senate Bill 108, as passed by the senate on June 14, 2017, consists of the following document adopted in the senate on June 14, 2017: the bill as affected by Senate Amendment 2.

Content of Engrossed 2017 Senate Bill 108:

This bill modifies continuing education requirements for cosmetologists, aestheticians, manicurists, and electrologists. Under current law, the Cosmetology Examining Board can require persons holding any of those licenses to complete continuing education 1) as a part of the disciplinary process to ensure the licensee's professional competency; or 2) if doing so is necessary to preserve the public health, safety, or welfare. The bill generally eliminates the board's authority to require that licensees complete continuing education, except that the board may require

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continuing education as a part of the disciplinary process to ensure a licensee's professional competency.

The bill also requires the Department of Safety and Professional Services to e-mail, at the time that it sends a license renewal notice, a digest describing changes to statutes and rules that affect the practice of cosmetology, aesthetics, manicuring, or electrology to each person who holds one of those licenses. The bill prohibits the Board from renewing a license that it grants unless the licensee certifies that he or she has reviewed the current digest created by DSPS.

The bill also modifies continuing education requirements for barbers. Under current law, DSPS has the authority to require barbers to complete continuing education until completing eight years of practice as a licensed barber. Under the bill, DSPS may require a barber to complete continuing education only as a part of the disciplinary process to ensure that person's professional competency. The bill also requires DSPS to e-mail, at the time that it sends a license renewal notice, a digest describing changes to statutes and rules that affect the practice of barbering to each person who holds a license that it grants. The bill prohibits DSPS from renewing a license unless the licensee certifies that he or she has reviewed the current digest.

Additionally, the bill eliminates the requirement that an applicant who is licensed as a cosmetologist, aesthetician, manicurist, electrologist, or barber in another jurisdiction must have completed 4,000 hours of experience in the licensed practice in order to be granted a reciprocal license. In order to be granted a reciprocal license, the bill requires an applicant licensed in another jurisdiction to complete a one-hour course about the statutes and rules that apply to the applicant's practice.

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

1 **SECTION 1d.** 454.06 (8) of the statutes is amended to read:

2 454.06 (8) EXPIRATION AND RENEWAL. The renewal date for licenses issued under
3 subs. (2) to (6) is specified under s. 440.08 (2) (a), and the renewal fees for such
4 licenses are determined by the department under s. 440.03 (9) (a). The examining
5 board may not renew a license issued to a person under subs. (2) to (6) unless the
6 person certifies to the examining board that the person has reviewed the current
7 digest under s. 454.125.

8 **SECTION 1h.** 454.12 (intro.) and (1) of the statutes are consolidated,
9 renumbered 454.12 and amended to read:

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1 **454.12 Continuing education.** The examining board may impose continuing
2 education requirements on a person who holds a license under this subchapter that
3 is not an inactive license either: (1) ~~As~~ as a part of the disciplinary process to ensure
4 competency; ~~or.~~

5 **SECTION 1p.** 454.12 (2) of the statutes is repealed.

6 **SECTION 1t.** 454.125 of the statutes is created to read:

7 **454.125 Regulatory updates. (1)** At the time the department gives notice
8 of renewal under s. 440.08 (1), the department shall send, by electronic mail, to each
9 person granted a license under s. 454.06 (2) to (6) a digest that describes changes to
10 statutes and rules that affect the practice of cosmetology, aesthetics, manicuring, or
11 electrology.

12 **(2)** The department shall make available at all times on its Internet site the
13 digest described in sub. (1).

14 **SECTION 2m.** 454.13 (1) (a) of the statutes is amended to read:

15 454.13 (1) (a) The applicant ~~has at least 4,000 hours of experience in licensed~~
16 practice completes a one-hour course educating the applicant on statutes and rules
17 that apply to the practice, has never been disciplined by the licensing authority of
18 another jurisdiction, and is not a party to a proceeding before the licensing agency
19 in which it is alleged that the applicant was negligent in the licensed practice or
20 violated the law relating to the licensed practice.

21 **SECTION 3e.** 454.23 (5) of the statutes is amended to read:

22 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates for licenses granted
23 under subs. (2) and (3) are specified under s. 440.08 (2) (a), and the renewal fees for
24 those licenses are determined by the department under s. 440.03 (9) (a). The
25 department may not renew a license granted to a person under this section unless

ENGROSSED SENATE BILL 108**SECTION 3e**

1 the person certifies to the department that the person has reviewed the current
2 digest under s. 454.267.

3 **SECTION 3m.** 454.265 of the statutes is repealed and recreated to read:

4 **454.265 Continuing education.** The department may impose continuing
5 education requirements on a person who holds a license under this subchapter that
6 is not an inactive license as a part of the disciplinary process to ensure competency.

7 **SECTION 3s.** 454.267 of the statutes is created to read:

8 **454.267 Regulatory updates. (1)** At the time the department gives notice
9 of renewal under s. 440.08 (1), the department shall send, by electronic mail, to each
10 person granted a license under s. 454.23 a digest that describes changes to statutes
11 and rules that affect the practice of barbering.

12 **(2)** The department shall make available at all times on its Internet site the
13 digest described in sub. (1).

14 **SECTION 4m.** 454.27 (1) (a) of the statutes is amended to read:

15 **454.27 (1) (a)** The applicant ~~has at least 4,000 hours of experience in licensed~~
16 ~~practice~~ completes a one-hour course educating the applicant on statutes and rules
17 that apply to the practice, has never been disciplined by the licensing authority of
18 another jurisdiction, and is not a party to a proceeding before the licensing agency
19 in which it is alleged that the applicant was negligent in the licensed practice or
20 violated any law relating to the licensed practice.

21 **SECTION 5. Initial applicability.**

22 **(1)** This act first applies to an application for licensure under section 454.13 of
23 the statutes received by the cosmetology examining board on the effective date of this
24 subsection or an application for licensure under section 454.27 of the statutes

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1 received by the department of safety and professional services on the effective date
2 of this subsection.

3 (END)