

2017 DRAFTING REQUEST

Bill

For: **Chris Kapenga (608) 266-9174** Drafter: **kpaczusk**
 By: **Kyle** Secondary Drafters:
 Date: **1/30/2017** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Kapenga@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**
michael.gallagher@legis.wisconsin.gov
konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Continuing education and nonresident application for cosmetology and barbering licenses

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 2/7/2017	jdyer 2/7/2017			
/P1	kpaczusk 2/24/2017	kfollett 2/24/2017	mbarman 2/7/2017		State
/1			rmilford 2/24/2017	rmilford 2/24/2017	State

1/30/17 per KP

FE Sent For:

<END>

→ At Intro.

Paczuski, Konrad

From: Koenen, Kyle

Sent: Monday, January 30, 2017 3:45 PM

To: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>

Subject: Cosmetology Changes

Mike,

We would like to combine two previous drafts with some changes and then add some more content.

1. Combine 0010/P1 with 0147/P1.
2. Change the reciprocity requirement to having a license from another jurisdiction in good standing and passing a test. So, eliminate the hour "make up" requirement.
3. Eliminate Continuing education requirements for cosmetology and barbering related professions.

Kyle Koenen

Chief of Staff

Office of Senator Chris Kapenga

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WISCONSIN LEGISLATIVE REFERENCE BUREAU

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



Phone call w/ ~~Sen.~~^{Sen.} Kapenga's office 2/1:

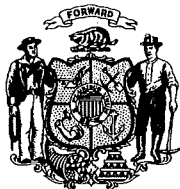
- do not include the elimination of cosmetology manager and barbering manager licenses in this request

-KP

Phone call w/ Sen. Kapenga's office 2/6:

- only require having a license from another jurisdiction that is in good standing to receive a reciprocal license (the language in §§ 454.13(1)(a) & 454.27(1)(a) already)
- remove the instruction to require passing an examination

-KP



State of Wisconsin
2017 - 2018 LEGISLATURE

1904
LRB-0147/P1
Kre MPG:jld
↑
keep

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 2/7/2017
OUT: 2/7/2017, please

INSERT

✓ Regen

- 1 AN ACT to amend 454.13 (1) (intro.); and to create 454.13 (1) (c) and 454.27 (1)
- 2 (c) of the statutes; relating to: licensure of barbers, cosmetologists, and related
- 3 professionals from jurisdictions outside Wisconsin. *✓ cosmetology and barbering continuing education requirements and*

Analysis by the Legislative Reference Bureau

✓ INSAe

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

✓ INS 1-3 1

- 4 SECTION 1. 454.13 (1) (intro.) of the statutes is amended to read:
- 5 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
- 6 440.05 (2), the examining board may issue a license to practice cosmetology,
- 7 aesthetics, electrology, or manicuring or to practice as a cosmetology manager to an
- 8 applicant who is licensed in another state or territory of the United States or in

1 another country to perform services that are substantially the same as those
2 performed by licensees in this state and to whom either any of the following applies:

3 **SECTION 2.** 454.13 (1) (c) of the statutes is created to read:

4 454.13 (1) (c) If the applicant is applying for a license to practice cosmetology,
5 aesthetics, electrology, or manicuring, the applicant has completed a course of
6 instruction in cosmetology, aesthetics, electrology, or manicuring that is approved by
7 the licensing authority of the jurisdiction in which the applicant is licensed and that
8 requires at least the number of training hours required under s. 454.06 (2) (b), (4) (b),
9 (5) (b), or (6) (b). If the course of instruction does not require at least that number
10 of training hours, the applicant may substitute experience in licensed practice of the
11 relevant profession at the rate of 10 hours of experience in licensed practice for each
12 training hour not required under the course of instruction.

****NOTE: The drafting instructions indicated the substitution rate should be three months of licensed practice for every 50 training hours not required by the other jurisdiction's course of instruction. Because the relevant statutes otherwise characterize licensed practice experience in terms of hours rather than months, I translated the three months to roughly 500 hours of licensed practice experience for every 50 training hours, which renders ten hours of licensed practice experience for every one hour of training not required in the other jurisdiction's course of instruction. If this arrangement does not fit your intent, please let me know.

****NOTE: I did not include a similar provision for a reciprocal cosmetology manager license because there is no "course of instruction" path to the cosmetology manager license. Instead, s. 454.06 (3) (b) allows for 2,000 hours of practice and 150 hours of theoretical instruction as a substitute for 4,000 practice hours. Please let me know if you would like to discuss options for an alternative path to reciprocal licensure for the cosmetology manager license.

13 **SECTION 3.** 454.27 (1) (c) of the statutes is created to read:

14 454.27 (1) (c) If the applicant is applying for a license to practice as a barber,
15 the applicant has completed a course of instruction in barbering that is approved by
16 the licensing authority of the jurisdiction in which the applicant is licensed and that
17 requires at least 1,000 training hours in barbering. If the course of instruction does
18 not require at least 1,000 training hours, the applicant may substitute experience in

1 licensed practice as a barber at the rate of 10 hours of experience in licensed practice
2 for each training hour not required under the course of instruction.

****NOTE: Please see the drafter's notes above.

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to an application for licensure under section 454.13 of
5 the statutes received by the cosmetology examining board on the effective date of this
6 subsection or an application for licensure under section 454.27 of the statutes
7 received by the department of safety and professional services on the effective date
8 of this subsection.✓

9 (END)

1 INS A

This bill eliminates 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 person's professional competency;[✓]or 2) if doing so is necessary to preserve the public health, safety, or welfare.

The bill also removes continuing education requirements for barbers. Under current law, the Department of Safety and Professional Services[✓]has the authority to require barbers to complete continuing education until completing[✓]eight years of practice as a licensed barber.

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. The bill maintains the requirement for a reciprocal license in current law that an applicant licensed in another jurisdiction has never been disciplined by the licensing authority of another jurisdiction and is not party to a proceeding before the licensing agency in which it is alleged that the applicant was negligent or violated the law in the licensed practice.[✓]

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

2

3 INS 1-3

4 **SECTION 1.** 454.12[✓] of the statutes is repealed.

5 **SECTION 2.** 454.13 (1) (a)[✓] of the statutes is amended to read:

6 454.13 (1) (a) The applicant has at least 4,000[✓] hours of experience in licensed
7 practice, has never been disciplined by the licensing authority of another
8 jurisdiction,^g and is not a party to a proceeding before the licensing agency in which
9 it is alleged that the applicant was negligent in the licensed practice or violated the
10 law relating to the licensed practice.

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

11 **SECTION 3.** 454.265[✓] of the statutes is repealed.

12 **SECTION 4.** 454.27 (1) (a)[✓] of the statutes is amended to read:



1 454.27 (1) (a) The applicant has at least 4,000 hours of experience in licensed
2 practice, has never been disciplined by the licensing authority of another
3 jurisdiction, and is not a party to a proceeding before the licensing agency in which
4 it is alleged that the applicant was negligent in the licensed practice or violated any
5 law relating to the licensed practice.

History: 2011 a. 190.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1904/P1 *De 1*
KP:jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 2/29/2017
OUT: 2/29/2017

1 **AN ACT** *to repeal* 454.12 and 454.265; and *to amend* 454.13 (1) (a) and 454.27
2 (1) (a) of the statutes; **relating to:** cosmetology and barbering continuing
3 education requirements and licensure of barbers, cosmetologists, and related
4 professionals from jurisdictions outside Wisconsin.

Analysis by the Legislative Reference Bureau

This bill eliminates 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 person's professional competency; or 2) if doing so is necessary to preserve the public health, safety, or welfare.

The bill also removes continuing education requirements for barbers. Under current law, the Department of Safety and Professional Services has the authority to require barbers to complete continuing education until completing eight years of practice as a licensed barber.

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. The bill maintains the requirement for a reciprocal license in current law that an applicant licensed in another jurisdiction has never been disciplined by the licensing authority of another jurisdiction and is not party to a proceeding before the licensing agency in which it

is alleged that the applicant was negligent or violated the law in the licensed practice.

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:

1 **SECTION 1.** 454.12 of the statutes is repealed.

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

3 454.13 (1) (a) The applicant has at least 4,000 hours of experience in licensed
4 practice, has never been disciplined by the licensing authority of another jurisdiction
5 and is not a party to a proceeding before the licensing agency in which it is alleged
6 that the applicant was negligent in the licensed practice or violated the law relating
7 to the licensed practice.

8 **SECTION 3.** 454.265 of the statutes is repealed.

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

10 454.27 (1) (a) The applicant has at least 4,000 hours of experience in licensed
11 practice, has never been disciplined by the licensing authority of another
12 jurisdiction, and is not a party to a proceeding before the licensing agency in which
13 it is alleged that the applicant was negligent in the licensed practice or violated any
14 law relating to the licensed practice.

15 **SECTION 5. Initial applicability.**

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

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

3 (END)