



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3849/1
KP:all

ENGROSSED 2017 SENATE BILL 109

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

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

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

Analysis by the Legislative Reference Bureau***Engrossment information:***

The text of Engrossed 2017 Senate Bill 109, as passed by the senate on June 14, 2017, consists of the following documents adopted in the senate on June 14, 2017: the bill as affected by Senate Amendment 5 and Senate Amendment 7.

Content of Engrossed 2017 Senate Bill 109:

Under this bill, a person licensed to practice cosmetology, aesthetics, manicuring, or barbering may engage in that practice outside of a licensed establishment if the following conditions are satisfied: 1) the person owns, manages, is employed by, or is affiliated with an establishment that is licensed to provide that service; 2) the person brings to the location where the person performs services a copy of the license furnished to the person; and 3) the service provided by the person does not involve the use of a chemical process, except for cutting hair, styling hair, or applying cosmetics. In addition, the bill requires the Cosmetology Examining Board to promulgate rules permitting the practice of electrology outside of a licensed establishment and to promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment. Also, the Department of Safety and Professional Services is required to promulgate rules permitting the use of a chemical process in the practice of barbering. Under current law, the Board, in the case of cosmetology, aesthetics, and manicuring, and DSPPS, 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.

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 be granted a certification by DSPPS in order to provide instruction in their respective professions. The bill prohibits DSPPS from requiring an instructor certification to be renewed. Current law requires renewal of an instructor certification every two years. The bill also prohibits a person

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from representing himself or herself as a Wisconsin certified cosmetology, aesthetics, electrology, manicuring, or barbering instructor or using any of those titles unless the person is granted the applicable instructor certification.

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

- 1 **SECTION 3.** 440.03 (13) (b) 15. of the statutes is repealed.
- 2 **SECTION 5.** 440.03 (13) (b) 19s. of the statutes is repealed.
- 3 **SECTION 8.** 440.08 (2) (a) 7. of the statutes is repealed.
- 4 **SECTION 9.** 440.08 (2) (a) 17. of the statutes is repealed.
- 5 **SECTION 10.** 440.08 (2) (a) 18. of the statutes is repealed.
- 6 **SECTION 11.** 440.08 (2) (a) 24g. of the statutes is repealed.
- 7 **SECTION 12.** 440.08 (2) (a) 24i. of the statutes is repealed.
- 8 **SECTION 13.** 440.08 (2) (a) 32. of the statutes is repealed.
- 9 **SECTION 14.** 440.08 (2) (a) 43. of the statutes is repealed.
- 10 **SECTION 15.** 440.60 (4s) of the statutes is repealed.
- 11 **SECTION 16.** 440.60 (5s) of the statutes is repealed.
- 12 **SECTION 17.** 440.62 (3) (ag) 3. of the statutes is repealed.
- 13 **SECTION 18.** 440.62 (3) (ar) 3. of the statutes is repealed.
- 14 **SECTION 19.** 440.62 (5) (a) of the statutes is amended to read:
- 15 440.62 (5) (a) No specialty school may offer theoretical instruction for
- 16 ~~managers or~~ apprentices.
- 17 **SECTION 20g.** 440.63 (1) of the statutes is amended to read:
- 18 440.63 (1) ~~INSTRUCTOR CERTIFICATION REQUIRED~~ INSTRUCTORS. (a) No person may
- 19 provide practical instruction in barbering unless the person holds a current
- 20 ~~barbering instructor or cosmetology instructor certificate issued~~ barber license

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1 granted by the department or cosmetologist license granted by the cosmetology
2 examining board.

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

6 (b) No person may provide practical instruction in aesthetics unless the person
7 holds a current ~~aesthetics instructor or cosmetology instructor certificate issued by~~
8 ~~the department~~ aesthetician license or cosmetologist license granted by the
9 cosmetology examining board.

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

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

17 **SECTION 20r.** 440.63 (1m) of the statutes is created to read:

18 440.63 (1m) USE OF TITLE. (a) No person may use the title “Wisconsin certified
19 barbering instructor,” use any title that implies that he or she is a Wisconsin certified
20 barbering instructor, or represent himself or herself to be a Wisconsin certified
21 barbering instructor unless the person is certified as a barbering instructor under
22 this subchapter.

23 (b) No person may use the title “Wisconsin certified cosmetology instructor,”
24 use any title that implies that he or she is a Wisconsin certified cosmetology
25 instructor, or represent himself or herself to be a Wisconsin certified cosmetology

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1 instructor unless the person is certified as a cosmetology instructor under this
2 subchapter.

3 (c) No person may use the title “Wisconsin certified aesthetics instructor,” use
4 any title that implies that he or she is a Wisconsin certified aesthetics instructor, or
5 represent himself or herself to be a Wisconsin certified aesthetics instructor unless
6 the person is certified as an aesthetics instructor under this subchapter.

7 (d) No person may use the title “Wisconsin certified electrology instructor,” use
8 any title that implies that he or she is a Wisconsin certified electrology instructor, or
9 represent himself or herself to be a Wisconsin certified electrology instructor unless
10 the person is certified as an electrology instructor under this subchapter.

11 (e) No person may use the title “Wisconsin certified manicuring instructor,” use
12 any title that implies that he or she is a Wisconsin certified manicuring instructor,
13 or represent himself or herself to be a Wisconsin certified manicuring instructor
14 unless the person is certified as a manicuring instructor under this subchapter.

15 **SECTION 26m.** 440.63 (2) of the statutes is amended to read:

16 440.63 (2) APPLICATIONS; ~~CERTIFICATION PERIOD.~~ An application for initial
17 certification ~~or renewal or reinstatement of a certificate~~ under this section shall be
18 submitted to the department on a form provided by the department. An application
19 for initial certification shall include the initial credential a one-time certification fee
20 determined by the department using the procedures established under s. 440.03 (9)

21 ~~(a). Renewal applications shall be submitted to the department on a form provided~~
22 ~~by the department on or before the applicable renewal date specified under s. 440.08~~
23 ~~(2) (a) and shall include the applicable renewal fee determined by the department~~
24 ~~under s. 440.03 (9) (a), and the applicable penalty for late renewal under s. 440.08~~
25 ~~(3) if the application is submitted late, except that no certification fee is required~~

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1 under this section for an individual who is eligible for the veterans fee waiver
2 program under s. 45.44. The department may not require renewal of a certificate
3 issued under this section.

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

5 **440.635 Persons providing practical instruction in specialty schools.**

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

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

14 (3) No person may provide practical instruction in a specialty school of
15 manicuring unless the person holds a current ~~cosmetology manager~~ cosmetologist
16 license or manicurist license issued by the cosmetology examining board ~~or a current~~
17 ~~cosmetology instructor or manicuring instructor certificate issued by the~~
18 ~~department.~~

19 **SECTION 29.** 440.64 (3) (b) (intro.) of the statutes is amended to read:

20 440.64 (3) (b) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
21 department may reprimand a licensee ~~or certified instructor~~ or deny, limit, suspend,
22 or revoke a license ~~or certificate~~ under this subchapter if it finds that the applicant,
23 or licensee or certified instructor has done any of the following:

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

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1 440.64 (3) (c) In addition to or in lieu of a reprimand or denial, limitation,
2 suspension, or revocation of a license ~~or certificate~~ under par. (b), the department
3 may assess against a school, or specialty school ~~or instructor~~ a forfeiture of not less
4 than \$100 nor more than \$5,000 for each violation enumerated under par. (b).

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

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

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

13 **SECTION 33.** 454.04 (1) (b) of the statutes is amended to read:

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

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

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

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1 permit issued by the examining board or is an apprentice under s. 454.10 or a student
2 in a manicuring or cosmetology course of instruction.

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

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

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

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

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

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

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

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

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

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

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1 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not
2 more than 30 weeks under the supervision of ~~an electrology instructor certified~~
3 ~~under s. 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology~~
4 ~~manager~~, in a licensed establishment that is also licensed as a specialty school of
5 electrology under s. 440.62 (4) (b).

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

7 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks
8 and not more than 20 weeks under the supervision of a ~~cosmetology instructor or~~
9 ~~manicuring instructor certified under s. 440.63 (3) (am) or (d) or a licensed~~
10 ~~cosmetology manager~~, licensed cosmetologist or manicurist in a licensed
11 establishment that is also licensed as a specialty school of manicuring under s.
12 440.62 (4) (c).

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

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

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

21 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct
22 examinations for cosmetologist, ~~cosmetology manager~~, aesthetician, electrologist,
23 and manicurist licenses not less than 8 times annually, at times and places
24 determined by the examining board.

25 **SECTION 44.** 454.08 (1) (a) of the statutes is repealed.

ENGROSSED SENATE BILL 109**SECTION 45g**

1 **SECTION 45g.** 454.08 (1) (ag) of the statutes is created to read:

2 454.08 (1) (ag) 1. The examining board shall promulgate rules permitting the
3 practice of electrology outside of a licensed establishment.

4 2. The examining board shall promulgate rules permitting the use of a chemical
5 process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed
6 establishment, except that the examining board may not promulgate any rule that
7 restricts the use of a chemical process in cutting or styling hair in the practice of
8 cosmetology or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders,
9 or tonics in the practice of aesthetics.

10 **SECTION 45r.** 454.08 (1) (ar) of the statutes is created to read:

11 454.08 (1) (ar) A person may practice cosmetology, aesthetics, or manicuring
12 outside of a licensed establishment if all of the following apply:

13 1. The person owns, manages, is employed by, or is affiliated with an
14 establishment that is licensed to provide that service under sub. (2).

15 2. The person brings the certificate furnished to the person under s. 454.06 (7),
16 or a copy, to the location where cosmetology, aesthetics, or manicuring is practiced.

17 3. The service provided by the person does not involve the use of a chemical
18 process, except for the use, outside of a licensed establishment, of a chemical process
19 in cutting or styling hair in the practice of cosmetology or applying cosmetics, oils,
20 lotions, clay, creams, antiseptics, powders, or tonics in the practice of aesthetics.

21 **SECTION 46m.** 454.08 (1) (b) of the statutes is amended to read:

22 454.08 (1) (b) Except as permitted by rule promulgated under par. (a) (ag) or
23 (ar), no person may practice cosmetology, aesthetics, electrology, or manicuring in an
24 establishment unless the establishment is licensed to provide that practice under
25 sub. (2).

ENGROSSED SENATE BILL 109**SECTION 47**

1 **SECTION 47.** 454.08 (4) of the statutes is amended to read:

2 454.08 (4) The examining board shall, by rule, establish minimum standards
3 concerning the maintenance, equipment, plans, and specifications for licensed
4 establishments as they relate to the public health and safety. The examining board
5 may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a
6 ~~manager of, or a barber or cosmetologist in,~~ an establishment licensed under this
7 section. The examining board may not license an establishment under this section
8 unless it meets the standards established by the examining board. A person
9 proposing to open an establishment in a new location shall apply to the examining
10 board for an inspection and approval of the establishment, submitting an exact
11 description and floor plan of the proposed location of the establishment on a form
12 provided by the department.

13 **SECTION 48.** 454.08 (6) of the statutes is amended to read:

14 454.08 (6) A person who owns a cosmetology establishment shall employ at
15 least one person as a manager who holds a cosmetology ~~manager~~ license and
16 manages the establishment on a full-time basis. The ~~cosmetology manager of a~~
17 cosmetology establishment shall ensure that the establishment operates in
18 compliance with this subchapter and rules promulgated by the examining board.

19 **SECTION 49.** 454.10 (3) (a) of the statutes is amended to read:

20 454.10 (3) (a) No apprentice under this section may practice cosmetology
21 ~~except under the supervision of a licensed cosmetology manager, whose cosmetology~~
22 ~~license is not an inactive license, or under the supervision of a licensed cosmetologist,~~
23 ~~whose cosmetology license is not an inactive license, and to whom supervisory~~
24 ~~authority has been delegated by a licensed cosmetology manager. A licensed~~
25 ~~cosmetology manager may only delegate supervisory authority to a licensed~~

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1 ~~cosmetologist~~ and who has completed at least 2,000 hours of practice as a licensed
2 cosmetologist.

3 **SECTION 50.** 454.13 (1) (intro.) of the statutes is amended to read:

4 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
5 440.05 (2), the examining board may issue a license to practice cosmetology,
6 aesthetics, electrology, or manicuring ~~or to practice as a cosmetology manager~~ to an
7 applicant who is licensed in another state or territory of the United States or in
8 another country to perform services that are substantially the same as those
9 performed by licensees in this state and to whom either of the following applies:

10 **SECTION 51.** 454.13 (2) of the statutes is amended to read:

11 454.13 (2) The examining board may enter into reciprocal agreements with
12 officials of other states for licensing cosmetologists, aestheticians, electrologists, and
13 manicurists, ~~and cosmetology managers~~ and grant licenses to persons licensed in
14 other states according to the terms of such an agreement.

15 **SECTION 53.** 454.20 (3) of the statutes is repealed.

16 **SECTION 54.** 454.20 (9) of the statutes is repealed.

17 **SECTION 55.** 454.20 (12) of the statutes is repealed.

18 **SECTION 56.** 454.22 (1) (b) of the statutes is repealed.

19 **SECTION 57.** 454.22 (1) (g) of the statutes is repealed.

20 **SECTION 58.** 454.22 (2) of the statutes is amended to read:

21 454.22 (2) No person may use the title “barber” or “hairstylist” or any other
22 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
23 licensed cosmetologist, ~~or licensed cosmetology manager.~~

24 **SECTION 59.** 454.23 (3) of the statutes is repealed.

25 **SECTION 60.** 454.23 (4) of the statutes is amended to read:

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1 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
2 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
3 a licensed barber ~~or licensed barbering manager~~. The licensee shall post the
4 certificate in a conspicuous place in the primary establishment where the licensee
5 practices.

6 **SECTION 61.** 454.23 (5) of the statutes is amended to read:

7 454.23 (5) EXPIRATION AND RENEWAL. The renewal dates date for licenses a
8 license granted under ~~subs. sub. (2) and (3)~~ are is specified under s. 440.08 (2) (a), and
9 the renewal fees fee for those licenses are that license is determined by the
10 department under s. 440.03 (9) (a).

11 **SECTION 62.** 454.23 (6) (a) of the statutes is amended to read:

12 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
13 to the department to classify that license as inactive. Upon application under this
14 paragraph, the department may classify a license as inactive if the department
15 determines that the person who holds that license is in good standing with the
16 department and intends to refrain from barbering during the period that the license
17 is inactive.

18 **SECTION 63.** 454.24 (2) of the statutes is amended to read:

19 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
20 of written tests and practical demonstrations requiring applicants to demonstrate
21 minimum competency in services and subjects substantially related to the practice
22 of a barber ~~or barbering manager, as appropriate~~, and public health and safety.

23 **SECTION 64.** 454.24 (4) of the statutes is amended to read:

24 454.24 (4) An applicant for a license under s. 454.23 (2) ~~or (3)~~ shall file an
25 application for examination in the office of the department at least 3 weeks before

ENGROSSED SENATE BILL 109**SECTION 64**

1 the examination. If an applicant fails to file the application within the required time,
2 the department may postpone the applicant's examination to the date of the next
3 available regular examination. The department may require an applicant who fails
4 to appear for or to complete an examination to reapply for examination. An applicant
5 who fails an examination may request reexamination and shall pay a fee for
6 reexamination, according to the procedures and fees established under s. 440.06.

7 **SECTION 65.** 454.25 (1) (a) of the statutes is repealed.

8 **SECTION 66g.** 454.25 (1) (ag) of the statutes is created to read:

9 454.25 (1) (ag) The department shall promulgate rules permitting the use of
10 a chemical process in the practice of barbering outside of a licensed establishment,
11 except that the department may not promulgate any rule that restricts the use of a
12 chemical process in cutting or styling hair in the practice of barbering.

13 **SECTION 66r.** 454.25 (1) (ar) of the statutes is created to read:

14 454.25 (1) (ar) A person may practice barbering outside of a licensed
15 establishment if all of the following apply:

16 1. The person owns, manages, is employed by, or is affiliated with a barbering
17 establishment licensed under sub. (2) or a cosmetology establishment licensed under
18 s. 454.08 (2).

19 2. The person brings the certificate issued to the person under s. 454.23 (4), or
20 a copy, to the location where barbering is practiced.

21 3. The service provided by the person does not involve the use of a chemical
22 process, except for the use of a chemical process in cutting or styling hair in the
23 practice of barbering outside of a licensed establishment.

24 **SECTION 67m.** 454.25 (1) (b) of the statutes is amended to read:

ENGROSSED SENATE BILL 109**SECTION 67m**

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

5 **SECTION 68.** 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 69.** 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. The manager of a licensed barbering establishment shall ensure that
14 the establishment operates in compliance with this subchapter and the rules
15 promulgated by the department under this subchapter.

16 **SECTION 70.** 454.26 (3) (a) of the statutes is amended to read:

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

25 **SECTION 71.** 454.27 (1) (intro.) of the statutes is amended to read:

ENGROSSED SENATE BILL 109**SECTION 71**

1 454.27 (1) (intro.) Upon application and payment of the fee specified in s.
2 440.05 (2), the department may grant a license to practice barbering ~~or to practice~~
3 ~~as a barbering manager~~ to an applicant who is licensed in another state or territory
4 of the United States or in another country to perform services that are substantially
5 the same as those performed by a licensed barber ~~or licensed barbering manager~~ in
6 this state and to whom at least one of the following applies:

7 **SECTION 72.** 454.287 of the statutes is amended to read:

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

12 **SECTION 74. 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

(END)