

2017 DRAFTING REQUEST**Bill**

For: **Assembly Chief Clerk** Drafter: **kpaczusk**
 By: Secondary Drafters:
 Date: **6/23/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **patrick.fuller@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**
Konrad.Paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Printed engrossed SB 109

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 7/10/2017	anienaja 7/11/2017			
/1			lparisi 7/11/2017	lparisi 7/11/2017	

FE Sent For:

<END>

2015
ENGROSS BILL
[or 2nd House Sub]

LRB 3849 / 1

KP : am :

(To Be Printed for Legislature)

ENGROSSED 2015 SENATE BILL 109

(Date) 6/22/17, _____ - Printed by direction of ASSEMBLY CHIEF CLERK

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ADOPTED DOCUMENTS:

Orig **SubAmdt** _____

Amendments to above (if none, write "NONE"): SENATE Amendment 7 and
SENATE Amendment 5

Corrections - show date (if none, write "NONE"): _____

Date	Drafter	Editor



State of Wisconsin
2017 - 2018 LEGISLATURE

CORRECTED
COPY

LRB-20872
KP:amn&klm 3849/1

2017 SENATE BILL 109

INSERTS

March 16, 2017 - Introduced by Senators KAPENGA, L. TAYLOR, CRAIG, DARLING, NASS and STROEBEL, cosponsored by Representatives KLEEFISCH, KOOYENGA, ALLEN, BERCEAU, BRANDTJEN, R. BROOKS, DOYLE, DUCHOW, FELZKOWSKI, FIELDS, HORLACHER, HUTTON, JARCHOW, KATSMAN, KNODL, KRUG, MACCO, MURSAU, NEYLON, SKOWRONSKI and SPIROS. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

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), 454.08 (1) (a), 454.20 (3), 454.20 (9), 454.20 (12), 454.22 (1) (b), 454.22 (1)
7 (g), 454.23 (3) and 454.25 (1) (a); **to renumber and amend** 440.63 (1) (a),
8 440.63 (1) (am), 440.63 (1) (b), 440.63 (1) (c) and 440.63 (1) (d); **to amend** 440.62
9 (5) (a), 440.635, 440.64 (3) (b) (intro.), 440.64 (3) (c), 454.04 (1) (a), 454.04 (1) (b),
10 454.04 (1) (d), 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d), 454.06 (4) (b) 2., 454.06
11 (5) (b) 2., 454.06 (6) (b) 2., 454.06 (7), 454.07 (1), 454.08 (1) (b), 454.08 (4), 454.08
12 (6), 454.10 (3) (a), 454.13 (1) (intro.), 454.13 (2), 454.15 (2) (j), 454.22 (2), 454.23
13 (4), 454.23 (5), 454.23 (6) (a), 454.24 (2), 454.24 (4), 454.25 (1) (b), 454.25 (4),
14 454.25 (5), 454.26 (3) (a), 454.27 (1) (intro.), 454.287 and 454.29 (2) (i); and **to**

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1 **create** 454.08 (1) (am) and 454.25 (1) (am) of the statutes; **relating to:**
 2 practicing barbering and cosmetology outside licensed establishments,
 3 regulating barbering and cosmetology managers, ^{and} instructor certificates for
 4 barbering, cosmetology, and related professions, ^{and granting rule-making authority}

Analysis by the Legislative Reference Bureau

INVS3
A1

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.

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.

INVS3
A2

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

440.62 (5) (a) No specialty school may offer theoretical instruction for

~~managers or apprentices.~~

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

SECTION 21. 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and

amended to read:

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

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

7 440.63 (2m) No person may provide practical instruction in cosmetology unless
8 the person holds a current ~~cosmetology instructor certificate issued by the~~
9 ~~department~~ cosmetologist license granted by the cosmetology examining board.

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

12 440.63 (3m) No person may provide practical instruction in aesthetics unless
13 the person holds a current ~~aesthetics instructor or cosmetology instructor certificate~~
14 ~~issued by the department~~ aesthetician license or cosmetologist license granted by the
15 cosmetology examining board.

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

18 440.63 (4) No person may provide practical instruction in electrology unless the
19 person holds a current ~~electrology instructor certificate issued by the department~~
20 electrologist license granted by the cosmetology examining board.

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

23 440.63 (5) No person may provide practical instruction in manicuring unless
24 the person holds a current ~~manicuring instructor or cosmetology instructor~~

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1 ~~certificate issued by the department~~ manicurist license or cosmetologist license
2 granted by the cosmetology examining board.

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

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

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

6 **440.635 Persons providing practical instruction in specialty schools.**

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

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

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

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

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

25 **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.

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

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

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

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

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

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

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

24 454.08 (6) A person who owns a cosmetology establishment shall employ at
25 least one person as a manager who holds a cosmetology manager license and

1 manages the establishment on a full-time basis. The ~~cosmetology~~ manager of a
2 cosmetology establishment shall ensure that the establishment operates in
3 compliance with this subchapter and rules promulgated by the examining board.

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


5 454.10 (3) (a) No apprentice under this section may practice cosmetology
6 except under the supervision of a licensed ~~cosmetology manager, whose cosmetology~~
7 ~~license is not an inactive license, or~~ under the supervision of a licensed cosmetologist,
8 whose cosmetology license is not an inactive license, ~~and to whom supervisory~~
9 ~~authority has been delegated by a licensed cosmetology manager.~~ A licensed
10 ~~cosmetology manager may only delegate supervisory authority to a licensed~~
11 ~~cosmetologist~~ and who has completed at least 2,000 hours of practice as a licensed
12 cosmetologist.

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

14 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
15 440.05 (2), the examining board may issue a license to practice cosmetology,
16 aesthetics, electrology, or manicuring ~~or to practice as a cosmetology manager~~ to an
17 applicant who is licensed in another state or territory of the United States or in
18 another country to perform services that are substantially the same as those
19 performed by licensees in this state and to whom either of the following applies:

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

21 454.13 (2) The examining board may enter into reciprocal agreements with
22 officials of other states for licensing cosmetologists, aestheticians, electrologists, and
23 manicurists, ~~and cosmetology managers~~ and grant licenses to persons licensed in
24 other states according to the terms of such an agreement.

25 **SECTION 52.** 454.15 (2) (j) of the statutes is amended to read: 

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1 454.15 (2) (j) Violated subch. II or subch. VI of ch. 440 with respect to the
2 practice of cosmetology or electrology, or any rule promulgated under subch. II or
3 under subch. VI of ch. 440 with respect to the practice of cosmetology or electrology.

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

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

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

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

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

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

10 454.22 (2) No person may use the title "barber" or "hairstylist" or any other
11 similar title unless the person is a licensed barber, ~~licensed barbering manager, or~~
12 licensed cosmetologist, ~~or licensed cosmetology manager.~~

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

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

15 454.23 (4) POSTING OF LICENSE CERTIFICATE. The department shall issue a
16 certificate to each person licensed under sub. (2) ~~or (3)~~, certifying that the holder is
17 a licensed barber ~~or licensed barbering manager.~~ The licensee shall post the
18 certificate in a conspicuous place in the primary establishment where the licensee
19 practices.

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

21 454.23 (5) EXPIRATION AND RENEWAL. The renewal ~~dates~~ date for licenses a
22 license granted under ~~subs. sub. (2) and (3) are~~ is specified under s. 440.08 (2) (a), and
23 the renewal fees fee for ~~those licenses are~~ that license is determined by the
24 department under s. 440.03 (9) (a).

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

1 454.23 (6) (a) Any person who is issued a license under sub. (2) ~~or (3)~~ may apply
2 to the department to classify that license as inactive. Upon application under this
3 paragraph, the department may classify a license as inactive if the department
4 determines that the person who holds that license is in good standing with the
5 department and intends to refrain from barbering during the period that the license
6 is inactive.

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

8 454.24 (2) The examination for a license under s. 454.23 (2) ~~or (3)~~ shall consist
9 of written tests and practical demonstrations requiring applicants to demonstrate
10 minimum competency in services and subjects substantially related to the practice
11 of a barber ~~or barbering manager, as appropriate,~~ and public health and safety.

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

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

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

22 **SECTION 66.** 454.25 (1) (am) of the statutes is created to read:

23 454.25 (1) (am) A person may practice barbering outside of a licensed
24 establishment if the person owns, manages, is employed by, or is affiliated with a

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1 barbering establishment licensed under sub. (2) or a cosmetology establishment
2 licensed under s. 454.08 (2).

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

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

8 **SECTION 68.** 454.25 (4) of the statutes is amended to read:

9 454.25 (4) A person who is not a licensed barber, ~~licensed barbering manager,~~
10 ~~or licensed cosmetologist, or licensed cosmetology manager~~ may own or operate a
11 licensed barbering establishment, but may not practice barbering.

12 **SECTION 69.** 454.25 (5) of the statutes is amended to read:

13 454.25 (5) A person who owns a licensed barbering establishment shall employ
14 at least one person as a manager who is a licensed ~~barbering manager~~ barber or
15 licensed ~~cosmetology manager~~ cosmetologist and works full-time in the
16 establishment. The manager of a licensed barbering establishment shall ensure that
17 the establishment operates in compliance with this subchapter and the rules
18 promulgated by the department under this subchapter.

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

20 454.26 (3) (a) An apprentice in barbering may not practice barbering except
21 ~~under the supervision of a licensed barbering manager or licensed cosmetology~~
22 ~~manager or under the supervision of a licensed barber or licensed cosmetologist to~~
23 ~~whom supervisory authority has been delegated by a licensed barbering manager or~~
24 ~~licensed cosmetology manager. A licensed barbering manager or licensed~~
25 ~~cosmetology manager may only delegate supervisory authority to a licensed barber~~

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

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

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

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

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

15 **SECTION 73.** 454.29 (2) (i) of the statutes is amended to read:

16 454.29 (2) (i) Violated this subchapter or subch. VI of ch. 440 with respect to
17 the practice of barbering, or any rule promulgated under this subchapter or under
18 subch. VI of ch. 440 with respect to the practice of barbering.

19 **SECTION 74. Nonstatutory provisions.**

20 (1) TRANSITIONAL PROVISIONS.

21 (a) *Cosmetology managers.* Notwithstanding sections 454.06 (2) and 454.13 (1)
22 of the statutes, on the effective date of this paragraph, a person who, immediately
23 prior to the effective date of this paragraph, held a valid cosmetology manager license
24 under section 454.06 (3), 2015 stats., or 454.13 (1), 2015 stats., shall be a licensed
25 cosmetologist under section 454.06 (2) or 454.13 (1) of the statutes. If the person's

SENATE BILL 109

1 cosmetology manager license was classified as inactive under section 454.06 (8m) of
2 the statutes, the cosmetologist license under this paragraph shall likewise be
3 classified as inactive.

4 (b) *Barbering managers.* Notwithstanding sections 454.23 (2) and 454.27 (1)
5 of the statutes, on the effective date of this paragraph, a person who, immediately
6 prior to the effective date of this paragraph, held a valid barbering manager license
7 under section 454.23 (3), 2015 stats., or 454.27 (1), 2015 stats., shall be a licensed
8 barber under section 454.23 (2) or 454.27 (1) of the statutes. If the person's barbering
9 manager license was classified as inactive under section 454.23 (6) of the statutes,
10 the barber license under this paragraph shall likewise be classified as inactive.

11 (END)

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3849/lins3
KP:...

1 INS3 A1

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 DSPS, 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.

2 END INS3 A1

3 INS3 A2

This bill also eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to be granted a certification by DSPS in order to provide instruction in their respective professions. The bill prohibits DSPS 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 from representing himself or herself (to be) 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.

4 END3 INS A2

AS



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0632/1
KP;jld&kjf

~~SENATE AMENDMENT 7,
TO SENATE BILL 109~~

~~June 12, 2017 -- Offered by Senator KAPENGA.~~

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

2 1. Page 3, line 1: delete lines 1 and 2.

3 2. Page 3, line 4: delete that line.

4 3. Page 3, line 6: delete lines 6 and 7.

5 4. Page 3, line 22: delete the material beginning with that line and ending with
6 page 5, line 4, and substitute.

7 *INS 2 3-21 ea* SECTION 20g. 440.63 (1) of the statutes is amended to read:

8 440.63 (1) ~~INSTRUCTOR CERTIFICATION REQUIRED~~ INSTRUCTORS. (a) No person may
9 provide practical instruction in barbering unless the person holds a current
10 ~~barbering instructor or cosmetology instructor certificate issued~~ barber license
11 granted by the department or cosmetologist license granted by the cosmetology
12 examining board.

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

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

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

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

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

16 440.63 (1m) USE OF TITLE. (a) No person may use the title "Wisconsin certified
17 barbering instructor," use any title that implies that he or she is a Wisconsin certified
18 barbering instructor, or represent himself or herself to be a Wisconsin certified
19 barbering instructor unless the person is certified as a barbering instructor under
20 this subchapter.

21 (b) No person may use the title "Wisconsin certified cosmetology instructor,"
22 use any title that implies that he or she is a Wisconsin certified cosmetology
23 instructor, or represent himself or herself to be a Wisconsin certified cosmetology
24 instructor unless the person is certified as a cosmetology instructor under this
25 subchapter.

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

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

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

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

14 440.63 (2) APPLICATIONS; ~~CERTIFICATION PERIOD.~~ An application for initial
15 certification ~~or renewal or reinstatement of a certificate~~ under this section shall be
16 submitted to the department on a form provided by the department. An application
17 for initial certification shall include the initial credential a one-time certification fee
18 determined by the department using the procedures established under s. 440.03 (9)
19 (a). ~~Renewal applications shall be submitted to the department on a form provided~~
20 ~~by the department on or before the applicable renewal date specified under s. 440.08~~
21 (2) (a) ~~and shall include the applicable renewal fee determined by the department~~
22 ~~under s. 440.03 (9) (a), and the applicable penalty for late renewal under s. 440.08~~
23 (3) ~~if the application is submitted late, except that no certification fee is required~~
24 under this section for an individual who is eligible for the veterans fee waiver

1 program under s. 45.44. The department may not require renewal of a certificate
2 issued under this section. *De*

END INS2 3-21

3 **5.** Page 10, line 25: delete the material beginning with that line and ending
4 with page 11, line 3.

5 **6.** Page 14, line 15: delete lines 15 to 18.

6 (END)



**SENATE AMENDMENT 5,
TO SENATE BILL 109**

~~May 2, 2017 - Offered by Senator KAPENGA.~~

INS1

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

2 **1.** Page 2, line 3: delete “managers, and” and substitute “managers,”.

3 **2.** Page 2, line 4: delete “professions” and substitute “professions, and
4 granting rule-making authority”.

5 **3.** Page 9, line 1: delete the material beginning with that line and ending with
6 line 10 and substitute:

INS1 9-0

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

8 454.08 (1) (ag) 1. The examining board shall promulgate rules permitting the
9 practice of electrology outside of a licensed establishment.

10 2. The examining board shall promulgate rules permitting the use of a chemical
11 process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed
12 establishment, except that the examining board may not promulgate any rule that
13 restricts the use of a chemical process in cutting or styling hair in the practice of

1 cosmetology or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders,
2 or tonics in the practice of aesthetics.

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

4 454.08 (1) (ar) A person may practice cosmetology, aesthetics, or manicuring
5 outside of a licensed establishment if all of the following apply:

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

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

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

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

15 454.08 (1) (b) Except as permitted by rule promulgated under par. (a) (ag) or
16 (ar), no person may practice cosmetology, aesthetics, electrology, or manicuring in an
17 establishment unless the establishment is licensed to provide that practice under
18 sub. (2).^e

END INST 9-0

19 **4.** Page 12, line 22: delete the material beginning with that line and ending
20 with page 13, line 7, and substitute:

INST 12-21

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

22 454.25 (1) (ag) The department shall promulgate rules permitting the use of
23 a chemical process in the practice of barbering outside of a licensed establishment,

1 except that the department may not promulgate any rule that restricts the use of a
2 chemical process in cutting or styling hair in the practice of barbering.

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

4 454.25 (1) (ar) A person may practice barbering outside of a licensed
5 establishment if all of the following apply:

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

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

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

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

15 454.25 (1) (b) Except as permitted by ~~rule promulgated~~ under par. (a) (ag) or
16 (ar), no person may practice barbering in an establishment unless the establishment
17 is a licensed barbering establishment under sub. (2) or licensed cosmetology
18 establishment under s. 454.08 (2). *De*

19 *END INS 1 12-21*

(END)