

Report From Agency

STATE OF WISCONSIN COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
COSMETOLOGY EXAMININGBOARD : **CLEARINGHOUSE RULE 12-016**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Economic Impact Analysis, including the Fiscal Estimate, is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The rules proposed herein reflect the changes to s. 454.10 (3), Stats., made in 2009 Wisconsin Act 189 (Act 189). The proposed administrative rule amendments advance relevant statutory goals by bringing the code into compliance with the statute as affected by Act 189. Specifically, they soften the apprentice supervision law by allowing licensed managers to delegate apprentice supervision to a licensed practitioner who meets certain minimum qualifications. The Administrative Code sections affected by Act 189 are ss. BC 2.07 (1g) and 6.04 (1).

V. SUMMARY OF PUBLIC COMMENTS AND THE SECTION'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

Pursuant to s. IV, 3. a., Executive Order # 50, the rules proposed herein were initially posted on both the state's and the department's administrative rules websites for 14 days to solicit comments regarding the rule's potential economic impact on businesses, business sectors, professional associations, local government units, or potentially interested parties. In addition, e-mail solicitations were sent to several potentially interested parties. No responses to any of the solicitations were received.

The Cosmetology Examining Board elected not to hold a public hearing on this proposal, as permitted under s. 227.16 (2) (b), Stats. The Board published the proposal in Administrative Register No. 675 on March 14, 2012, providing a deadline for the

submission of written comments. The comment period closed on April 2, 2012, at the commencement of the Board's regularly scheduled meeting of that date. The Board did not receive any written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendations suggested in the Clearinghouse Report are accepted in their entirety.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

The changes in this proposal merely bring the affected rules into compliance with a statute that has already been in effect for three years. The regulatory flexibility analysis for this final draft of the proposal has not changed from the analysis applicable to the initial draft. For these reasons, the Department determined that the specified amendments will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats. Accordingly, this proposal was not submitted to the Small Business Regulatory Review Board (SBRRB).

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY
COSMETOLOGY EXAMINING BOARD	:	EXAMINING BOARD
	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 12- 016

PROPOSED ORDER

An order of the Cosmetology Examining Board to renumber and amend Cos 6.04 (1), to amend Cos 2.07 (1g) and to create s. Cos 6.04 (1) (b), (c) and Note, relating to responsibilities of the manager and practical training for apprentices.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 454.10 (3), Stats., as amended by 2009 Wisconsin Act 189.

Statutory authority:

Sections 15.08 (5) (b) and 454.10 (1), Stats.

Related statutes and rules:

There are no related statutes and rules other than those indicated above.

Explanation of agency authority:

Pursuant to s. 15.08 (5) (b), Stats., the Cosmetology Examining Board (Board) is required to “promulgate rules...for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular...profession” over which it has authority. In addition, s. 454.10 (1), Stats., provides that “apprentices . . . employed under an apprentice contract...shall be governed by...the rules of the [cosmetology] examining board.” Thus, the Board must promulgate administrative rules governing the cosmetology profession, including rules for apprentices.

Plain language analysis:

This proposed rule-making amends ss. Cos 2.07 (1g) and 6.04 (1) to reflect statutory changes resulting from the passage of 2009 Wisconsin Act 189 (Act 189). Prior to the passage of Act 189, the previous version of s. 454.10 (3), Stats., permitted supervision of apprentices by a licensed cosmetology manager only. Act 189 amended former s. 454.10 (3), Stats., creating paragraphs (a) and (b), and adding a provision in para. (a) that allows licensed managers to

delegate apprentice supervision to a licensed practitioner who meets certain minimum qualifications. This proposal implements Act 189's softening of the apprentice supervision law, affording cosmetology managers the option of delegating the supervision of his or her apprentice(s), and thus, alleviating some of the manager's already numerous responsibilities.

Summary of, and comparison with, existing or proposed federal regulation:

There are no existing or proposed federal regulations addressing barbering and cosmetology apprentice supervision.

Comparison with rules in adjacent states:

Illinois:

Neither the Illinois Compiled Statutes (ILCS), nor the Illinois Administrative Code contain provisions regarding apprenticeship programs for barbers, cosmetologists, estheticians, hair braiders, or nail technologists. The Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (Act of 1985) is found in the statutes regarding those five professions at 225 ILCS s. 410/3E-4. The statutes are administered by the Illinois Department of Financial and Professional Regulation. The department's rules implementing the Act of 1985 are codified at Title 68, Chapter VII, Subchapter b, Part 1175. The Act of 1985 may be viewed at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1351&ChapterID=24>.

The statutes created by the 1985 Act provide for unpaid student internships in the practice of hair braiding only, at s. 225 ILCS 410/3E. Hair-braiding interns may not spend more than 30 hours in an internship, and must be under the direct supervision of an on-site licensed cosmetologist or hair braider. The supervising cosmetologist or hair braider may supervise only one student at a time. See

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=022504100HArt%2E+III&ActID=1351&ChapterID=24&SeqStart=8100000&SeqEnd=8298437>.

The rules and regulations associated with the Act of 1985 are set forth at Title 68, Part 1175 of the Illinois Administrative Code. The code allows for unpaid student internships in cosmetology, 68 Ill. Admin. Code s. 1175.530 (h); esthetics, 168 Ill. Admin. Code s. 1175.835 (a) (5); nail technology, 68 Ill. Admin. Code s. 1175.1135 (a)(5); and hair braiding, 68 Ill. Admin. Code s. 1175.1535 (f), but is silent with respect to internships for barbers. See <http://www.ilga.gov/commission/jcar/admincode/068/06801175sections.html>, and go to the curriculum requirements for the schools of each of the five professions.

Iowa:

No Iowa statutes (Iowa Code) specifically reference barbering or cosmetology apprenticeships or internships. However, the Iowa Code addresses apprenticeships for several technical trades and professions directly, and also contains a statute governing apprenticeship programs in general at s. 260C.44. The word "apprentice" is therein defined as "a person...who is employed in an apprenticeable occupation, and is registered with the United States department of labor, office of apprenticeship." Iowa Code s. 260.44 2.a. The United States Department of Labor, Office of Apprenticeship (DOLOA) maintains a list of apprenticeable professions on its website, which includes both barbering and cosmetology. Nevertheless, through telephone contact with the executive of the Iowa Board of Barbering, the Wisconsin board has learned that despite the

barbering profession's presence on the DOLOA list, Iowa has neither a barbering apprenticeship or mentoring program. For the statutory definition of "apprentice," see Iowa Code s. 260.44 2.a. at <http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>. To view the DOLOA list, see http://www.doleta.gov/oa/bul10/Bulletin_2010-05_List_of_Appren_Occ.pdf. The sole Iowa Administrative Code (IAC) reference to "apprentice" related to either barbering or cosmetology appears in the rules governing barber schools, at s. 645 IAC 23.15. That rule permits a barbering student who completed apprenticeship hours in another state to apply those hours to Iowa's 2,100-hour course-of-study requirement for graduation from a barber school. The foreign apprenticeship hours are applicable to course-of-study requirement at the rate of four to one. See <http://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/Rule.645.23.15.pdf>. The IAC includes a "mentoring" program for students of the various cosmetology professions. Rule 645—61.20, IAC. Students in the mentoring program may participate for no more than five percent of the total hours required by the course-of-study rule, R. 645—61.20 (2), and a participant must be under the mentor's supervision at all times, R. 645—61.20 (3). See <http://www.legis.state.ia.us/asp/ACODocs/DOCS/11-2-2011.645.61.20.pdf>.

Michigan:

Michigan's statutes and rules related to the barbering and cosmetology professions are set forth in two different compilations of law, one on barbering, and the other on the cosmetology professions. See the **Barbering Law Book** at <http://www.dleg.state.mi.us/bcsc/forms/barb/bclawbk.pdf>, or the **Cosmetology Law Book** at <http://www.dleg.state.mi.us/bcsc/forms/cos/coslawbk.pdf>.

The only Michigan statutory reference to an apprentice or apprenticeship in the barbering context appears in s. 339.1108 (3), Michigan Compiled Laws (MCL). That section provides that an individual who was either a licensed barber or a barbering apprentice in another jurisdiction may apply the time so spent to Michigan's 2,000-hour barber school course-of-study requirement, at the rate of three months for 100 hours of instruction. See <http://legislature.mi.gov/doc.aspx?mcl-339-1108>.

The Michigan statutes refer to cosmetology apprenticeships in the definition of "apprentice," found in the, MCL s. 339.1201 (a). Under that section, a cosmetology apprentice is "an individual engaged in learning cosmetology in a cosmetology establishment." Section MCL 339.1201 (d) defines "cosmetology" as any of the services of barbering, or "hair care," skin care, manicuring, or electrology, or a combination thereof. Under s. 339.1203a, MCL, no Michigan cosmetology licensee may practice electrology without a separate license for such practice. For the definition of cosmetology, see <http://legislature.mi.gov/doc.aspx?mcl-339-1201>. (To view any of the other citations in this or the next paragraph, use the same web address, substituting the appropriate 1200 number at the end. For example, see MCL s. 339.1207 at <http://legislature.mi.gov/doc.aspx?mcl-339-1207>.)

Michigan's general cosmetology apprenticeship program is described in MCL ss. 339.1205 and .1207. Under MCL s. 330.1207 (d), an applicant for cosmetology licensure may substitute two years of cosmetology apprenticeship for the 1,500-hour cosmetology school course-of-study licensure requirement. The statutes specific to apprenticeships in electrology, manicuring, esthetics, and natural hair cultivation are set forth in ss. MCL 339.1208, .1209, .1210, and .1210a, respectively. The ratio of required school-training hours to months of apprenticeship for each of the four subsidiary practices varies as indicated in those sections.

Michigan's administrative rules contain no provisions regarding barbering apprenticeships. Rules 339.6001 - .6051, Mich. Admin. Code. A barbering student must have a student license to

work on a public patron, and any such work must take place in the school facility. Rule 339.6045 (1), Mich. Admin. Code. As part of their course-of-study requirement, barbering students must complete 1,750 hours of practical training in the practice. Rule 339.6047, Mich. Admin. Code. See all rules regulating barbers at http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33906001&Dpt=LG&RngHigh=.

The administrative code specific to cosmetology apprenticeships may be found at Rules 338.2141 - .2151. Notably, the general cosmetology training rules prohibit students from using school credit hours to fulfill apprenticeship training requirements, and vice versa. Rule 338.2133, Mich. Admin. Code. A cosmetology licensee may seek the Board of Cosmetology's approval to become an apprenticeship practitioner, i.e., one who trains an apprentice, after completing at least three years of practice. Rule 338.2151 (2), Mich. Admin. Code. Among other things, an apprenticeship practitioner must agree to "[p]ersonally train the apprentice." Rule 338.2151 (2) (i), Mich. Admin. Code. Those rules make clear that apprenticeship practitioners may not delegate their apprentice training responsibilities. See all cosmetology rules at http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33802101&Dpt=LG&RngHigh=.

Minnesota:

Minnesota law governing barbers is codified at ch. 154, Minn. Stats. The statutes require persons practicing as a barber, barbering apprentice, or barbering instructor to have the current, appropriate certificate of registration for each of those practices. Sections 154.01 (a), (b), and (d), Minn. Stats. To become a registered barber, an applicant must have graduated from a barber school approved by the Board of Barber Examiners (BBE), practiced as a registered apprentice for 12 months, and passed the BBE's registration examination. Section 154.05, Minn. Stats. Under s. 154.03, Minn. Stats., a registered apprentice may practice barbering only under the "immediate personal supervision of a registered barber." See ch. 154, Minn. Stats. at <https://www.revisor.mn.gov/statutes/?id=154&view=chapter&format=pdf>.

Statutory law on cosmetology in Minnesota is set forth in ch. 155A, Minn. Stats. There are no provisions in ch. 155A regarding cosmetology apprentices or apprenticeship. See ch. 155A at <https://www.revisor.mn.gov/statutes/?id=155A&view=chapter&format=pdf>.

Minnesota's administrative code related to barbering is located at ch. 2100, Minn. Admin. Rules. The rules governing registered apprentices appear in ss. 2100.0200 - .1700, Minn. Admin. Rules. Section 2100.1200 of the Rules requires the registered barber supervising a registered apprentice to file an affidavit attesting to the number of supervised practice hours accumulated by the apprentice. To renew registration as a barber apprentice, an apprentice must provide a statement of the hours of practice under the immediate supervision of a registered barber. Section 2100.1500, Minn. Admin. Rules. Chapter 2100 contains no provisions regarding delegation of apprentice supervision. See ch. 2100, Minn. Admin. Rules at <https://www.revisor.mn.gov/rules/?id=2100&view=chapter&format=pdf>.

Minnesota has no administrative rules that reference apprenticeships in cosmetology or its subsidiary practices. The rules governing cosmetology and cosmetology establishments are located at ch. 2105, Minn. Admin. Rules. The rules governing cosmetology schools appear in ch. 2110, Minn. Admin. Rules. See ch. 2105 at

<https://www.revisor.mn.gov/rules/?id=2105&view=chapter&format=pdf>. See ch. 2110 at <https://www.revisor.mn.gov/rules/?id=2110&view=chapter&format=pdf>.

Comparison of approaches:

The information provided above respecting each of Wisconsin's four neighboring states indicates a broad range of differences between each state's approach to the concept of barbering and cosmetology apprenticeships. However, the amendment to s. Cos 6.04 (1) contemplated in the Wisconsin Cosmetology Examining Board's rule-making proposal must occur to bring the existing rule into compliance with s. 454.10 (3), Stats. Thus, no comparison between the other individual states' approaches and Wisconsin's is necessary.

Summary of factual data and analytical methodologies:

The comparison information with the rules in adjacent states was obtained by thorough review of the laws and rules of those states, and from direct contact with them by e-mail or telephone.

The proposed changes to the existing apprentice supervision requirement were prompted by legislative action that allows licensed cosmetology managers to delegate authority for apprentice supervision to licensed barbers and cosmetologists who meet certain minimum qualifications.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

Pursuant to s. IV, 3. a., EO # 50, the rules proposed herein were posted on both the state's and the department's administrative rules websites for 14 days to solicit comments regarding the rule's potential economic impact on businesses, business sectors, professional associations, local government units, or potentially interested parties. In addition, e-mails solicitations were sent to several potentially interested parties. No responses to any of the solicitations were received.

The department concludes that the proposed rules will have no economic impact on small businesses. This proposal tracks legislation that was effective on March 29, 2010. The statutory change has thus been in place long enough to produce the resulting economic or fiscal impact experienced by private businesses or public entities, if any, for any such impact to have been fully absorbed by those entities as a part of routine operations.

Fiscal estimate:

The Economic Impact Analysis, including the Fiscal Estimate, is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@Wisconsin.gov, or by calling (608) 266-8608.

Public hearing not required:

Under s. 227.16 (2) (b), no public hearing is required on the proposed amendments to ss. Cos 2.07 (1g) and 6.04 (1), Wis. Admin. Code. The purpose of the amendments is to bring existing rule s. Cos 6.01 (1) into conformity with s. 454.10 (3), Stats., as that statute was amended in

2009 Wis. Act 189. The amendment to s. Cos 2.07 (1g), Wis. Admin. Code, is also necessitated by the statutory change.

Agency contact person:

Sam Rockweiler, Wisconsin Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, WI, 53708-8935; telephone (608) 266-0797; e-mail sam.rockweiler@wi.gov.

TEXT OF RULE

SECTION 1. Section Cos 2.07 (1g) is amended to read:

Cos 2.07 (1g) ~~The A~~ manager shall train and supervise ~~an apprentice~~ any apprentices in accordance with s. Cos 6.04 (1); and shall supervise any temporary permit holders and training permit holders. ~~Supervision and training shall be conducted by a currently licensed manager.~~

SECTION 2. Section Cos 6.04 (1) is renumbered Cos 6.04 (1) (a) and amended to read:

Cos 6.04 (1) (a) The establishment owner ~~to with~~ whom an apprentice ~~is indentured~~ contracts shall employ a licensed manager to be responsible to train and supervise the training of the apprentice, except as provided in pars. (b) and (c). ~~Apprentices~~ An apprentice shall not only work without under the supervision of a licensed manager, except as provided in pars. (b) and (c).

SECTION 3. Sections Cos 6.04 (1) (b) and (c) are created to read:

Cos 6.04 (1) (b) A manager may delegate their supervisory duty to a practitioner who has completed at least 2,000 hours of licensed practice.

(c) A manager may delegate their supervisory duty to a barber licensed under ch. 454, Stats., who has completed at least 2,000 hours of licensed practice, but only if the apprentice is a barbering apprentice as referenced in s. 454.22 (1) (c), Stats., and if the apprentice engages only in barbering.

SECTION 4. Cos 6.04 (1) Note is created to read:

Cos 6.04 (1) Note: Under sections 454.10 (1) and 454.26 (1) of the Statutes, every apprentice is also governed by section 106.01 of the Statutes and chapter DWD 295.

SECTION 5. EFFECTIVE DATE. These rules shall become effective on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Cosmetology Examining Board

**ADMINISTRATIVE RULES
 FISCAL ESTIMATE AND
 ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. BC 6, Apprenticeship Procedures and Standards, s. BC 6.04 (1)

Subject

Supervision of barbering and cosmetology apprentices

Fund Sources Affected

Chapter 20, Stats. Appropriations
 Affected

GPR FED PRO PRS SEG SEG-S

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's
 Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

2009 Wis. Act 189 amended s. 454.10 (3), Stats., which had previously stated that only a licensed manager could supervise a barbering and cosmetology apprentice. The 2009 amendment expanded the supervision law, which now allows a manager to delegate his or her supervisory duty to a licensed barber or cosmetologist, so long as the person delegated has completed at least 2,000 hours of practice as a licensed barber or cosmetologist. The proposed amendment to s. BC 6.04 (1) will bring that rule into compliance with the enabling statute.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule tracks legislation that was effective on March 29, 2010, almost two years ago. Any economic or fiscal impact experienced by private businesses or public entities due to the amendment of s. 454.10 (3), Stats., has thus already been absorbed by such entities as a part of routine operations.

The proposed rule was posted on both the state's and the department's administrative rules websites for 14 days for purposes of soliciting comments regarding the economic impact on businesses, business sectors, professional associations, local government units, or potentially interested parties, as required by s. IV, 3. a., EO # 50. In addition, e-mails solicitations were sent to several potentially interested parties. No responses to any of the solicitations were received. Given all of the above, the rules promulgated by this proposal will have no economic or fiscal impact on any of the entities listed above.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The existing administrative rule regarding supervision of a barbering and cosmetology apprentice reflects the pre-Act 189 statute. The proposed rule-making will make s. BC 6.04 (1) consistent with the current version of the s. 454.10 (3), Stats. Because the existing rule is not consistent with its enabling statute, the rule must be amended, and there is no alternative to promulgating the amendment to s. BC 6.04 (1) available.

Long Range Implications of Implementing the Rule

The expansion of the apprentice supervision requirement has likely given licensed managers more flexibility with respect to their responsibilities to apprentices. Such flexibility may have and could continue to result in managers having more time to spend on overseeing their establishments, which in turn, may result in better-run operations.

Compare With Approaches Being Used by Federal Government

There are no existing or proposed federal statutes or regulations addressing barbering and cosmetology apprentice supervision.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Neither the Illinois Compiled Statutes (ILCS), nor the Illinois Administrative Code contain provisions regarding apprenticeship programs for barbers, cosmetologists, estheticians, hair braiders, or nail technologists. The Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (Act of 1985) is found in the statutes regarding those five professions at 225 ILCS 410/3E-4. The statutes are administered by the Illinois Department of Financial and Professional Regulation. The department's rules implementing the Act of 1985 are codified at Title 68, Chapter VII, Subchapter b, Part 1175. The Act of 1985 may be viewed at

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1351&ChapterID=24>.

The statutes created by the 1985 Act provide for unpaid student internships in the practice of hair braiding only, at 225 ILCS 410/3E. Hair-braiding interns may not spend more than 30 hours in an internship, and must be under the direct supervision of an on-site licensed cosmetologist or hair braider. The supervising cosmetologist or hair braider may supervise only one student at a time. See

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=022504100HArt%2E+IIIE&ActID=1351&ChapterID=24&SeqStart=8100000&SeqEnd=8298437>.

The rules and regulations associated with the Act of 1985 are set forth at Title 68, Part 1175 of the Illinois Administrative Code. The code allows for unpaid student internships in cosmetology, 68 Ill. Admin. Code 1175.530 (h); esthetics, 168 Ill. Admin. Code 1175.835 (a) (5); nail technology, 68 Ill. Admin. Code 1175.1135 (a)(5); and hair braiding, 68 Ill. Admin. Code 1175.1535 (f), but is silent with respect to internships for barbers. See

<http://www.ilga.gov/commission/jcar/admincode/068/06801175sections.html>, and go to the curriculum requirements for the schools of each of the five professions.

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<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>. To view the DOLOA list, see

http://www.doleta.gov/oa/bull10/Bulletin_2010-05_List_of_Appren_Occ.pdf.

The sole Iowa Administrative Code (IAC) reference to "apprentice" related to either barbering or cosmetology appears in the rules governing barber schools, at s. 645 IAC 23.15. That rule permits a barbering student who completed

apprenticeship hours in another state to apply those hours to Iowa's 2,100-hour course-of-study requirement for graduation from a barber school. The foreign apprenticeship hours are applicable to course-of-study requirement at the rate of four to one. See <http://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/Rule.645.23.15.pdf>.

The IAC includes a "mentoring" program for students of the various cosmetology professions. Rule 645—61.20, IAC. Students in the mentoring program may participate for no more than five percent of the total hours required by the course-of-study rule, Rule 645—61.20 (2), and a participant must be under the mentor's supervision at all times, Rule 645—61.20 (3). See <http://www.legis.state.ia.us/aspx/ACODocs/DOCS/11-2-2011.645.61.20.pdf>.

Michigan:

Michigan's statutes and rules related to the barbering and cosmetology professions are set forth in two different compilations of law, one on barbering, and the other on the cosmetology professions. See the **Barbering Law Book** at <http://www.dleg.state.mi.us/bcsc/forms/barb/bclawbk.pdf>, or the **Cosmetology Law Book** at <http://www.dleg.state.mi.us/bcsc/forms/cos/coslawbk.pdf>.

The only Michigan statutory reference to an apprentice or apprenticeship in the barbering context appears in s. 339.1108 (3), Michigan Compiled Laws (MCL). That section provides that an individual who was either a licensed barber or a barbering apprentice in another jurisdiction may apply the time so spent to Michigan's 2,000-hour barber school course-of-study requirement, at the rate of three months for 100 hours of instruction. See <http://legislature.mi.gov/doc.aspx?mcl-339-1108>.

The Michigan statutes refer to cosmetology apprenticeships in the definition of "apprentice," found in the, MCL s. 339.1201 (a). Under that section, a cosmetology apprentice is "an individual engaged in learning cosmetology in a cosmetology establishment." Section MCL 339.1201 (d) defines "cosmetology" as any of the services of barbering, or "hair care," skin care, manicuring, or electrolysis, or a combination thereof. Under s. 339.1203a, MCL, no Michigan cosmetology licensee may practice electrolysis without a separate license for such practice. For the definition of cosmetology, see <http://legislature.mi.gov/doc.aspx?mcl-339-1201>. (To view any of the other citations in this or the next paragraph, use the same web address, substituting the appropriate 1200 number at the end. For example, see MCL s. 339.1207 at <http://legislature.mi.gov/doc.aspx?mcl-339-1207>.)

Michigan's general cosmetology apprenticeship program is described in MCL ss. 339.1205 and .1207. Under MCL s. 330.1207 (d), an applicant for cosmetology licensure may substitute two years of cosmetology apprenticeship for the 1,500-hour cosmetology school course-of-study licensure requirement. The statutes specific to apprenticeships in electrolysis, manicuring, esthetics, and natural hair cultivation are set forth in ss. MCL 339.1208, .1209, .1210, and .1210a, respectively. The ratio of required school-training hours to months of apprenticeship for each of the four subsidiary practices varies as indicated in those sections.

Michigan's administrative rules contain no provisions regarding barbering apprenticeships. Rules 339.6001 - .6051, Mich. Admin. Code. A barbering student must have a student license to work on a public patron, and any such work must take place in the school facility. Rule 339.6045 (1), Mich. Admin. Code. As part of their course-of-study requirement, barbering students must complete 1,750 hours of practical training in the practice. Rule s. 339.6047, Mich. Admin. Code. See all rules regulating barbers at

http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33906001&Dpt=LG&RngHigh=.

The administrative code specific to cosmetology apprenticeships may be found at Rules 338.2141 - .2151. Notably, the general cosmetology training rules prohibit students from using school credit hours to fulfill apprenticeship training requirements, and vice versa. Rule 338.2133, Mich. Admin. A cosmetology licensee may seek the Board of Cosmetology's approval to become an apprenticeship practitioner, i.e., one who trains an apprentice, after completing at least three years of practice. Rule 338.2151 (2), Mich. Admin. Code. Among other things, an apprenticeship practitioner must agree to "[p]ersonally train the apprentice." Rule 338.2151 (2) (i), Mich. Admin. Code. Those rules make clear that apprenticeship practitioners may not delegate their apprentice training responsibilities. See all cosmetology rules at http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33802101&Dpt=LG&RngHigh=.

Minnesota:

Minnesota law governing barbers is codified at ch. 154, Minn. Stats. The statutes require persons practicing as a barber, barbering apprentice, or barbering instructor to have the current, appropriate certificate of registration for each of those practices. Sections 154.01 (a), (b), and (d), Minn. Stats. To become a registered barber, an applicant must have graduated from a barber school approved by the Board of Barber Examiners (BBE), practiced as a registered apprentice for 12

months, and passed the BBE's registration examination. Section 154.05, Minn. Stats. Under s. 154.03, Minn. Stats., a registered apprentice may practice barbering only under the "immediate personal supervision of a registered barber." See ch. 154, Minn. Stats. at <https://www.revisor.mn.gov/statutes/?id=154&view=chapter&format=pdf>.

Statutory law on cosmetology in Minnesota is set forth in ch. 155A, Minn. Stats. There are no provisions in ch. 155A regarding cosmetology apprentices or apprenticeship. See ch. 155A at <https://www.revisor.mn.gov/statutes/?id=155A&view=chapter&format=pdf>.

Minnesota's administrative code related to barbering is located at ch. 2100, Minn. Admin. Rules. The rules governing registered apprentices appear in ss. 2100.0200 - .1700, Minn. Admin. Rules. Section 2100.1200 of the Rules requires the registered barber supervising a registered apprentice to file an affidavit attesting to the number of supervised practice hours accumulated by the apprentice. To renew registration as a barber apprentice, an apprentice must provide a statement of the hours of practice under the immediate supervision of a registered barber. Section 2100.1500, Minn. Admin. Rules. Chapter 2100 contains no provisions regarding delegation of apprentice supervision. See ch. 2100, Minn. Admin. Rules at <https://www.revisor.mn.gov/rules/?id=2100&view=chapter&format=pdf>.

Minnesota has no administrative rules that reference apprenticeships in cosmetology or its subsidiary practices. The rules governing cosmetology and cosmetology establishments are located at ch. 2105, Minn. Admin. Rules. The rules governing cosmetology schools appear in ch. 2110, Minn. Admin. Rules. See ch. 2105 at <https://www.revisor.mn.gov/rules/?id=2105&view=chapter&format=pdf>. See ch. 2110 at <https://www.revisor.mn.gov/rules/?id=2110&view=chapter&format=pdf>.

Comparison of approaches:

The information provided above respecting each of Wisconsin's four neighboring states indicates a range of differences between each states' approach to the concept of barbering and cosmetology apprenticeships. However, the amendment to s. BC 6.04 (1) contemplated in the Wisconsin barbering and cosmetology examining board's rule-making proposal must occur to bring the existing rule into compliance with s. 454.10 (3), Stats. Thus, a comparison between the other individual states' approaches and Wisconsin's is not necessary.

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