

## Report From Agency

### STATE OF WISCONSIN COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
COSMETOLOGY EXAMINING	:	CR 24-088
BOARD	:	

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS: N/A**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA 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 proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically. The mobile establishment's name must be displayed on the vehicle or structure. Services may not be provided unless the mobile establishment is parked, with the engine off, stable, and level. All services must be provided inside the interior of the vehicle or structure. Additional information and photographs are needed to apply for a license for a mobile establishment.

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

The Cosmetology Examining Board held a public hearing on January 27, 2025. No public comments were received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment 1c:** "Consider whether s. 454.08 (3), Stats., should be added as statutory authority"

**Response:** The Board rejects this comment and would like to note that this citation was added to "Statutes Interpreted," not to "Statutory Authority" because there is no rule promulgation authority included here.



**Comment 2d:** “In SECTION 2 of the proposed rule, consider designating the provision as something other than “(2)”, because “3.01 (2)” has existed previously, albeit in a predecessor to the current Cos chapter. [s. 1.10 (3) (a), Manual.] Consider, instead, placing the mobile establishment requirements to follow sub. (14), and to begin with an introduction such as, “If the establishment is a mobile establishment, the establishment is also subject to all of the following requirements.”.”

**Response:** The Board accepts this comment and would like to note that while it agrees that s. Cos 3.01 (15) should be created, the introduction language of the section is as the Board would like it to be. The Board wants to emphasize here that mobile establishments must be licensed as establishments under the requirements of this chapter.

**Comment 3a:** “Consider whether it is necessary to state the material in proposed s. Cos 3.01 (2) (a), as a mobile establishment is a licensed establishment, and the requirements would apply to any licensed establishment.”

**Response:** The Board rejects this comment and would like to note that the language is written the way it is to emphasize that mobile establishments are subject to the same as all establishments currently in the code.

**Comment 5b(1):** “Consider revising “an establishment” to “a licensed establishment”.”

**Response:** The Board rejects this comment and would like to note that in this instance the definition of “an establishment” is not dealing with regulations or licensing, just simply what a mobile establishment is. It mirrors the definitions of establishment in s. 454.01 (10), Stats.

**Comment 5b(2):** “Consider also defining the terms used in that definition. This includes defining the terms “aesthetics”, “cosmetology”, “electrology”, “establishment”, and “manicuring””

**Response:** The Board rejects this comment and would like to note that none of these terms are currently defined in the code. The Board is looking into opening a new Scope Statement to address definitions and some other requirements for establishments and may take up these terms at that time.

**Comment 5c:** “In SECTION 2, s. Cos 3.01 (2) (intro.), in the first sentence, consider removing the phrase “the requirements of”. Alternatively, the first sentence could be removed entirely, as it is duplicative of the requirements in current s. Cos 3.01 (1). See, also, the earlier comments regarding this provision.”

**Response:** The Board rejects this comment and would like to note that the language is written the way it is to emphasize that mobile establishments must be licensed as establishments under the requirements of this chapter.

**Comment 5d:** “In SECTION 2, if s. Cos 3.01 (2) (a) is retained, consider revising the phrase “including requirements related” to the phrase “relating to””

**Response:** The Board rejects this comment and would like to note that the word “including” was used to make sure that all of the regulations in chs. Cos 3 and 4 will apply, not just those in the 4 topics listed.

**Comment 5f:** “In SECTIONS 4 and 5, it is not clear how the “except” clause functions. What is intended to be excepted by sub. (2m)? Do the two addresses required in sub. (2m) replace the business address required in sub. (2)? If so, that should be specified. Does any other information required in sub. (2m) replace information required in sub. (2)? If so, that should be specified. If a mobile establishment must comply with both subs. (2) and (2m), consider removing the “except” clause and restructuring sub. (2m) to something like, “In addition to the requirements of sub. (2), ...”.”

**Response:** The Board accepts this comment and would like to note that the decision was made to repeal and recreate Cos 3.04 (2) with different language instead of amending it and creating a new subsection (2m).

**Comment 5g:** “In SECTION 5, consider drafting s. Cos 3.04 (2m) in the same style as sub. (2), such as “The board shall require...”.”

**Response:** The Board accepts this comment and would like to note that the decision was made to repeal and recreate Cos 3.04 (2) with different language instead of amending it and creating a new subsection (2m).

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A**