

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : COSMETOLOGY EXAMINING BOARD
COSMETOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 18-031)

On July 19, 2018, the Joint Committee for Review of Administrative Rules approved a petition to repeal rules using the process under s. 227.26 (4), Stats.

ORDER

An order of the Cosmetology Examining Board to repeal Cos 9.01 (3), and Ch. 11; and to amend Cos 9.02, relating to cosmetology continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 454.12, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2017 Wisconsin Act 81

Explanation of agency authority: Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board is empowered by the legislature to promulgate rules that will provide guidance within the profession and to interpret the statutes it administers. 2017 Act 81 repealed the authority to require continuing education outside of the disciplinary process.

Related statute or rule: s. 454.265, Stats., Wisconsin Administrative Code, chs. Cos 1 to 11

Plain language analysis: The Cosmetology Examining Board is updating the rules governing the practice of cosmetology based upon passage of 2017 Wisconsin Act 81. Act 81 eliminates the cosmetology continuing education requirement. This update eliminates or amends references to continuing education in chs. Cos 9 and 11 of the Wisconsin Administrative Code consistent with the requirements of 2017 Wisconsin Act 81. The Board has determined that these rules are unauthorized rules and seeks their repeal under s. 227.26 (4), Stats.

Agency contact person: Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

Section 1. Cos 9.01 (3) is repealed.

Section 2. Cos 9.02 is amended to read:

Cos 9.02. If the application for renewal is filed less than 5 years after the expiration of the applicant's last license, the applicant shall ~~comply with the continuing education requirements in s. Cos 11.03, and~~ pay the late renewal fee in s. 440.08 (3) (a), Stats.

Section 3. Cos 11 is repealed.

Section 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated May 22, 2020

Agency *Vicky McNally, s.a.*
Chairperson
Cosmetology Examining Board