

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 50 and 60 to 65

Relating to: Barbering licensure and practice outside of a licensed establishment

Rule Type: Permanent

1. Finding/nature of emergency:

N/A.

2. Detailed description of the objective of the proposed rule:

The purpose of this rule is to conform current administrative code to the requirements of 2017 Wisconsin Act 81 and 2017 Wisconsin Act 82, and to update the rules in these chapters to make them consistent with current industry, regulatory, and academic practices.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapters SPS 50 and 60 to 65 currently contain the administrative code relating to the practice of barbering.

2017 Wisconsin Act 81 eliminated continuing education requirements for barbers, but allows the department to require continuing education for a licensee as part of a disciplinary process. Act 81 also eliminates the required 4,000 hours of experience for applicants who have a credential in another jurisdiction and apply for a Wisconsin reciprocal license. Under the Act, a currently licensed out-of-state applicant is now required to complete a one-hour course educating them on the Wisconsin statutes and administrative rules that apply to their practice. The Act also requires notification to all current Wisconsin license holders of any changes to the statutes and rules relating to barbering prior to the renewal of a barbering license.

Wisconsin Act 82 eliminates the barbering manager license and allows for the practice of barbering outside of a licensed establishment under certain circumstances. Act 82 also eliminated the requirement that a person providing practical instruction in barbering hold a barbering or cosmetology instructor license. Instead, the instructor must be licensed as a barber or cosmetologist.

Not updating these rules would leave the administrative code in a state of non-conformity with current statutory requirements.

4. Detailed explanation of statutory authority for the rule:

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority, stating an agency, "...may promulgate rules interpreting provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. . ."

Section 454.25 (1) (ag), Stats. provides that "[t]he department shall promulgate rules permitting the use of a chemical process in the practice of barbering outside of a licensed establishment, except that the department may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair in the practice of barbering."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

Approximately 80 hours.

6. List with description of all entities that may be affected by the proposed rule :

Wisconsin licensed barbers and those seeking Wisconsin licensure as a barber from another state.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule :

None.

Contact Person: Jon Derenne, Attorney, Department of Safety and Professional Services; (608) 266-0955; dpsadminrules@wisconsin.gov.