



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2017 Senate Bill 109**

**Senate Amendments 5 and 6**

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### CURRENT LAW

#### Cosmetology and Barbering Manager Licenses

Current law requires a person who owns a barbering establishment to employ at least one person as a manager who is a licensed barbering manager or licensed cosmetology manager. In addition, a person who owns a cosmetology establishment must employ at least one person as a manager who is a licensed cosmetology manager.

To receive a barbering manager license, a person must be a licensed barber or cosmetologist, pass an examination, and complete either of the following: (1) 4,000 hours of practice as a licensed barber or cosmetologist under the supervision of a licensed manager; or (2) 2,000 hours of practice as a licensed barber or cosmetologist and 150 training hours of theoretical instruction. To receive a cosmetology manager license, a person must be a licensed cosmetologist, pass an examination, and complete either of the following: (1) 4,000 hours of practice as a licensed cosmetologist under the supervision of a licensed manager; or (2) 2,000 hours of practice as a licensed cosmetologist and 150 training hours of theoretical instruction.

#### Cosmetology and Barbering Instructor Certificates

Under current law, a person must hold an instructor certificate issued by the Department of Safety and Professional Services (DSPS) to provide practical instruction in barbering, cosmetology, aesthetics, electrology, or manicuring. A person must satisfy the following requirements to receive an instructor certificate: (1) complete 2,000 hours of practice (or, as an alternative for a barbering or cosmetology instructor certificate, hold a manager license); (2) complete 150 hours of instructor training; and (3) pass an examination.

### **Provision of Services Outside of a Licensed Establishment**

Under current law, the Cosmetology Examining Board (Board) may promulgate rules permitting the provision of personal care cosmetology, aesthetics, electrology, or manicuring services, and DSPS may promulgate rules permitting the provision of barbering services, outside of licensed establishments by licensees to persons who are unable to leave their homes because of illness or disability or who are in hospitals, nursing homes, correctional institutions, or other institutions.

### **2017 SENATE BILL 109**

#### **Cosmetology and Barbering Manager Licenses**

Senate Bill 109 eliminates the barbering manager license and cosmetology manager license. Under the bill, a person who owns a barbering establishment must employ at least one person as a manager who is a licensed barber or cosmetologist. In addition, a person who owns a cosmetology establishment must employ at least one person as a manager who is a licensed cosmetologist.

#### **Cosmetology and Barbering Instructor Certificates**

The bill eliminates the instructor certificates for barbering, cosmetology, aesthetics, electrology, and manicuring. Under the bill, a licensed barber, cosmetologist, aesthetician, electrologist, or manicurist may provide practical instruction.

### **Provision of Services Outside of a Licensed Establishment**

Under the bill, a person may practice barbering, cosmetology, aesthetics, electrology, or manicuring outside of a licensed establishment if the person owns, manages, is employed by, or is affiliated with a licensed establishment.

### **SENATE AMENDMENT 5**

Senate Amendment 5 modifies the parts of the bill relating to the provision of services outside of a licensed establishment. Under the amendment, a person may practice barbering, cosmetology, aesthetics, or manicuring outside of a licensed establishment if all of the following apply:

- The person owns, manages, is employed by, or is affiliated with a licensed establishment.
- The person brings his or her license certificate, or a copy of it, to the location where barbering, cosmetology, aesthetics, or manicuring is practiced.
- The service provided by the person does not involve the use of a chemical process, except for the use of a chemical process in cutting or styling hair or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.

In addition, the amendment requires the Board to promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment, except that the Board may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics. DSPS must promulgate rules permitting the use of a chemical process in the practice of barbering outside of a licensed establishment, except that DSPS may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair.

Lastly, under the amendment, the Board must promulgate rules permitting the practice of electrology outside of a licensed establishment.

### **SENATE AMENDMENT 6**

Senate Amendment 6 modifies the parts of the bill relating to instructor certificates. The amendment generally retains the instructor certificate under current law, except that the amendment provides that an applicant pays a one-time certificate fee and that DSPS may not require renewal of the certificate. Under the amendment, a person may only use a title that implies that he or she is a Wisconsin certified instructor or represent himself or herself to be a certified instructor if the person is certified as an instructor.

Like the bill, the amendment does not require a person to be certified as an instructor to provide practical instruction. Under the amendment, a licensed barber, cosmetologist, aesthetician, electrologist, or manicurist may provide practical instruction.

### **BILL HISTORY**

Senate Amendments 5 and 6 were offered by Senator Kapenga on May 2, 2017. On May 3, 2017, the Senate Committee on Public Benefits, Licensing and State-Federal Relations recommended: (1) adoption of the amendments on votes of Ayes, 5; Noes, 0; and (2) passage of Senate Bill 109, as amended, on a vote of Ayes, 3; Noes, 2.

JKR:ksm