



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0364/2  
MPG:wlj:jm

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 489**

March 2, 2012 - Offered by COMMITTEE ON FINANCIAL INSTITUTIONS AND RURAL  
ISSUES.

1     **AN ACT** *to repeal* 440.60 (3), 440.60 (9), 440.63 (1) (a) 1., 440.63 (1) (a) 2. and  
2           454.01 (5) (b); *to renumber and amend* 440.08 (2) (a) 20., 440.60 (4), 440.60  
3           (5), 440.60 (10), 440.62 (3) (a), 440.62 (5) (b), 440.63 (1) (a) (intro.), 454.01 (5)  
4           (c) and (d), 454.01 (6) and 454.01 (12); *to consolidate, renumber and amend*  
5           454.01 (5) (intro.) and (a); *to amend* 15.405 (17), 106.52 (1) (e) 1., 440.03 (13)  
6           (b) 13., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.08 (2) (a) 16., 440.08 (2) (a)  
7           17., 440.08 (2) (a) 18., 440.08 (2) (a) 19., 440.60 (14), 440.62 (1) (a), 440.62 (1)  
8           (c), 440.63 (1) (b), (c) and (d), 440.63 (3) (a) (intro.), 2. and 4., 440.635, 440.64  
9           (1) (a), chapter 454 (title), 454.01 (intro.), 454.01 (10), 454.01 (11), 454.01 (15),  
10          454.02 (1), 454.02 (2) (intro.), 454.02 (3) (intro.), 454.04 (1) (a), 454.04 (1) (b),  
11          454.04 (1) (c), 454.04 (1) (d), 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (c), 454.04  
12          (2) (d), 454.06 (2) (intro.), (b) and (c), 454.06 (3) (intro.), (a), (b) and (d), 454.06  
13          (4) (b) 1. and 2., 454.06 (5) (b) 1. and 2., 454.06 (6) (b) 1. and 2., 454.06 (7), 454.06

1 (10) (a), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2) (a), 454.08 (2) (b),  
2 454.08 (2) (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2), 454.10 (3) (a),  
3 454.12 (intro.), 454.13 (1) (intro.), 454.13 (2), 454.15 (1), 454.15 (2) (intro.),  
4 454.15 (2) (a), 454.15 (2) (c), 454.15 (2) (d), 454.15 (2) (i) and 454.16; and **to**  
5 **create** 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13) (b) 19s., 440.08 (2)  
6 (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a) 24i., 440.08 (2) (a)  
7 24k., 440.60 (5e), 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62 (3) (ag),  
8 440.62 (3) (ar) 4m., 440.62 (5) (b) 2., 440.63 (1) (am), 440.63 (3) (am), subchapter  
9 I (title) [precedes 454.01], 454.01 (7m) (intro.), (a) and (b), 454.01 (11m), 454.01  
10 (15m), 454.04 (1m), 454.06 (8m), 454.15 (2) (j) and subchapter II of chapter 454  
11 [precedes 454.20] of the statutes; **relating to**: separation of the licensing  
12 requirements for barbering and cosmetology, regulation of the practice of  
13 barbers and cosmetologists, granting rule-making authority, and providing a  
14 penalty.

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***Analysis by the Legislative Reference Bureau***

***Barbering and cosmetology licensing***

Under current law, the Barbering and Cosmetology Examining Board (board) regulates the practices in this state of barbers and cosmetologists, aesthetists, manicurists, electrologists, managers of establishments where any of those practices are performed, and the establishments themselves. The board issues one license that covers the practice of barbers and cosmetologists (barbering and cosmetology license). The board also issues one manager license, which requires as a prerequisite that the person holds a barbering and cosmetology license, and one license for a barbering and cosmetology establishment. The board issues separate licenses for aesthetists, manicurists, and electrologists, defined below.

This substitute amendment establishes licensure requirements related to barbering that are independent of the requirements related to cosmetology, renames the board the Cosmetology Examining Board, and places the regulation of barbering in this state directly under the Department of Safety and Professional Services (DSPS), which is required under the substitute amendment to appoint an advisory committee to assist DSPS in that regulation. Under the substitute amendment, the

Cosmetology Examining Board continues to regulate the practice of cosmetologists, aesthetists, manicurists, and electrologists.

Current law defines barbering and cosmetology together as a practice that may include one or more of the following services, if performed for compensation:

1. Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair or beard of a person.

2. Aesthetics, which includes beautifying or cleansing or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics to or massaging, stimulating, wrapping, exercising, or performing similar work upon the skin of a person.

3. Manicuring, which is cleansing, cutting, shaping, beautifying, or massaging limited to the hands, feet, or nails of a person.

4. Removing a person's hair by means other than by use of an electric needle. The removal of hair from the human body by use of an electric needle is electrolysis.

Under current law, a person who holds a barbering and cosmetology license, or a licensed manager, may practice aesthetics and manicuring without being separately licensed in those areas. The practice of electrolysis requires licensure as an electrologist. Also under current law, a licensed manager may manage any establishment where barbering and cosmetology, aesthetics, manicuring, or electrolysis takes place.

Similarly, under current law, a person who holds a barbering and cosmetology license, or a licensed manager, may use titles that are associated with the practice of barbering and cosmetology or may use titles that are associated with the practice of a manicurist or aesthetist, but that person may not use titles associated with the practice of an electrologist unless the person is also licensed as an electrologist.

Under the substitute amendment, a person who is licensed by DSPS solely as a barber or barbering manager may practice only barbering or manage only a barbering establishment licensed by DSPS, and such a person may use titles associated only with barbering. The substitute amendment defines barbering as arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair of the head, neck, or face of a person. The substitute amendment specifies that barbering does not include the removal of a person's hair at the root. Additionally, under the substitute amendment, barbering does not include the application of temporary or permanent eyelash extensions to the eyelashes of a person.

The substitute amendment defines cosmetology as performing one or more of the following: barbering, aesthetics, manicuring, or removing a person's hair by means other than by use of an electric needle. Under the substitute amendment, a person who is licensed by the Cosmetology Examining Board as a cosmetologist or cosmetology manager may practice barbering, aesthetics, or manicuring but not electrolysis unless the person also holds a license as an electrologist. No license is required under the substitute amendment for the use of thread to remove hair from the eyebrow, upper lip, or other area of the face of a person. Under the substitute

amendment, a licensed cosmetology manager may manage any establishment where barbering, cosmetology, aesthetics, manicuring, or electrology is performed.

Similarly, under the substitute amendment, a licensed cosmetologist or cosmetology manager may use titles associated with barbering, cosmetology, aesthetics, or manicuring, but that person may not use titles associated with practice as an electrologist unless the person also holds a license as an electrologist.

Under current law, a person must meet all of the education, examination, and practice requirements for initial licensure as a barber and cosmetologist or manager, whether or not that person intends to provide solely services that are traditionally associated with barbering, such as shaving and cutting hair, or intends to manage an establishment where only those kinds of services are performed. Also under current law, the board may establish continuing education requirements for barbers and cosmetologists, aesthetists, manicurists, electrologists, and managers as a part of the disciplinary process to ensure competency, or if necessary to preserve the public health, safety, or welfare.

Under the substitute amendment, DSPS establishes initial licensure requirements for barbers and barbering managers that are independent of those for cosmetologists. The substitute amendment eliminates any continuing education requirements for barbers.

Also under the substitute amendment, DSPS regulates and licenses establishments where only barbering may take place. The Cosmetology Examining Board regulates and licenses establishments where the practices of cosmetology, aesthetics, manicuring, or electrology may take place, in addition to barbering.

### ***Inactive licenses***

Under current law, a person who holds a barbering and cosmetology license, or who holds a license as an aesthetist, manicurist, electrologist, or manager, must meet certain renewal requirements, such as the payment of a renewal fee, and may have to meet continuing education requirements, if that person wishes to maintain that license.

Under the substitute amendment, any person to whom the Cosmetology Examining Board or DSPS, in the case of a barber or barbering manager license, has issued a license may apply to have that license classified as inactive. The Cosmetology Examining Board or DSPS, in the case of a barber or barbering manager license, may classify a license as inactive if the licensed person is otherwise in good standing and intends to refrain from practice under the license. A person who holds an inactive license is not required to meet continuing education requirements for the license and may pay one-half the usual renewal fee for the license. A person who holds an inactive license may not practice under that license unless the person's active status is returned or unless the work performed is minimal.

### ***Barbering and cosmetology schools and instructors***

Under current law, DSPS directly licenses barbering and cosmetology schools and specialty schools. A specialty school is one that concentrates in aesthetics, manicuring, or electrology. DSPS issues one license for barbering and cosmetology schools. A licensed barbering and cosmetology school may offer courses of instruction in barbering and cosmetology, aesthetics, manicuring, and electrology.

Under current law, DSPS also certifies instructors in barbering and cosmetology, aesthetics, manicuring, and electrology. DSPS issues one certification for barbering and cosmetology instructors, and a person who is certified as a barbering and cosmetology instructor may teach in a barbering and cosmetology school or in a specialty school.

The substitute amendment establishes licensure requirements for barbering schools that are independent of the requirements for cosmetology schools. Under the substitute amendment, a licensed barbering school may offer courses of instruction only in barbering, while a licensed cosmetology school may offer courses of instruction in cosmetology, as well as barbering, aesthetics, manicuring, and electrology if certain requirements relating to instruction in each of those practices are met.

Similarly, the substitute amendment establishes certification requirements for barbering instructors that are independent of the certification requirements for cosmetology instructors. Under the substitute amendment, a certified barbering instructor may provide instruction in barbering. A certified cosmetology instructor may provide instruction in barbering, cosmetology, aesthetics, and manicuring.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 15.405 (17) of the statutes, as affected by 2011 Wisconsin Act 32,  
2 is amended to read:

3           **15.405 (17)** ~~BARBERING AND COSMETOLOGY~~ COSMETOLOGY EXAMINING BOARD.

4           There is created a ~~barbering and~~ cosmetology examining board in the department of  
5 safety and professional services. The ~~barbering and~~ cosmetology examining board  
6 shall consist of 9 members appointed for 4-year terms. Four members shall be  
7 licensed ~~barbers,~~ aestheticians, or cosmetologists, 2 members shall be public  
8 members, one member shall be a representative of a private school of ~~barbering or~~  
9 cosmetology, one member shall be a representative of a public school of ~~barbering or~~  
10 cosmetology and one member shall be a licensed electrologist. Except for the 2  
11 members representing schools, no member may be connected with or have any  
12 financial interest in a ~~barbering or~~ cosmetology school.

13           **SECTION 2.** 106.52 (1) (e) 1. of the statutes is amended to read:

1           106.52 (1) (e) 1. “Public place of accommodation or amusement” shall be  
2 interpreted broadly to include, but not be limited to, places of business or recreation;  
3 lodging establishments; restaurants; taverns; barber ~~or~~, cosmetologist, aesthetician,  
4 electrologist, or manicuring establishments; nursing homes; clinics; hospitals;  
5 cemeteries; and any place where accommodations, amusement, goods, or services are  
6 available either free or for a consideration, subject to subd. 2.

7           **SECTION 3.** 440.03 (13) (b) 13. of the statutes is amended to read:

8           440.03 (13) (b) 13. Barber ~~or~~ cosmetologist.

9           **SECTION 4.** 440.03 (13) (b) 14. of the statutes is amended to read:

10          440.03 (13) (b) 14. Barbering ~~or~~ cosmetology instructor.

11          **SECTION 5.** 440.03 (13) (b) 15. of the statutes is amended to read:

12          440.03 (13) (b) 15. Barbering ~~or~~ cosmetology manager.

13          **SECTION 6.** 440.03 (13) (b) 19e. of the statutes is created to read:

14          440.03 (13) (b) 19e. Cosmetologist.

15          **SECTION 7.** 440.03 (13) (b) 19m. of the statutes is created to read:

16          440.03 (13) (b) 19m. Cosmetology instructor.

17          **SECTION 8.** 440.03 (13) (b) 19s. of the statutes is created to read:

18          440.03 (13) (b) 19s. Cosmetology manager.

19          **SECTION 9.** 440.08 (2) (a) 16. of the statutes is amended to read:

20          440.08 (2) (a) 16. Barbering ~~or~~ cosmetology establishment: April 1 of each  
21 odd-numbered year.

22          **SECTION 10.** 440.08 (2) (a) 17. of the statutes is amended to read:

23          440.08 (2) (a) 17. Barbering ~~or~~ cosmetology instructor: April 1 of each  
24 odd-numbered year.

25          **SECTION 11.** 440.08 (2) (a) 18. of the statutes is amended to read:

1           440.08 (2) (a) 18. Barbering ~~or cosmetology~~ manager: April 1 of each  
2 odd-numbered year.

3           **SECTION 12.** 440.08 (2) (a) 19. of the statutes is amended to read:

4           440.08 (2) (a) 19. Barbering ~~or cosmetology~~ school: April 1 of each  
5 odd-numbered year.

6           **SECTION 13.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m.  
7 and amended to read:

8           440.08 (2) (a) 15m. Barber ~~or cosmetologist~~: April 1 of each odd-numbered  
9 year.

10          **SECTION 14.** 440.08 (2) (a) 24b. of the statutes is created to read:

11          440.08 (2) (a) 24b. Cosmetologist: April 1 of each odd-numbered year.

12          **SECTION 15.** 440.08 (2) (a) 24d. of the statutes is created to read:

13          440.08 (2) (a) 24d. Cosmetology establishment: April 1 of each odd-numbered  
14 year.

15          **SECTION 16.** 440.08 (2) (a) 24g. of the statutes is created to read:

16          440.08 (2) (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

17          **SECTION 17.** 440.08 (2) (a) 24i. of the statutes is created to read:

18          440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

19          **SECTION 18.** 440.08 (2) (a) 24k. of the statutes is created to read:

20          440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

21          **SECTION 19.** 440.60 (3) of the statutes is repealed.

22          **SECTION 20.** 440.60 (4) of the statutes is renumbered 440.60 (4m) and amended  
23 to read:

24          440.60 (4m) “Barbering ~~or cosmetology~~” has the meaning specified in s. 454.01  
25 (~~5~~) 454.20 (2).

1           **SECTION 21.** 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended  
2 to read:

3           440.60 **(4e)** “Barber ~~or cosmetologist~~” has the meaning specified in s. ~~454.01~~  
4 ~~(6)~~ 454.20 (1).

5           **SECTION 22.** 440.60 (5e) of the statutes is created to read:

6           440.60 **(5e)** “Cosmetologist” has the meaning specified in s. 454.01 (7e).

7           **SECTION 23.** 440.60 (5m) of the statutes is created to read:

8           440.60 **(5m)** “Cosmetology” has the meaning specified in s. 454.01 (7m).

9           **SECTION 24.** 440.60 (5s) of the statutes is created to read:

10          440.60 **(5s)** “Cosmetology manager” has the meaning specified in s. 454.01 (7s).

11          **SECTION 25.** 440.60 (9) of the statutes is repealed.

12          **SECTION 26.** 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended  
13 to read:

14          440.60 **(4s)** “~~Manager~~ Barbering manager” has the meaning specified in s.  
15 ~~454.01 (12)~~ 454.20 (3).

16          **SECTION 27.** 440.60 (14) of the statutes is amended to read:

17          440.60 **(14)** “School” means any facility, other than a specialty school, that  
18 offers instruction in barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring.

19          **SECTION 28.** 440.62 (1) (a) of the statutes is amended to read:

20          440.62 **(1)** (a) No person may operate a school unless the school holds a current  
21 license as a school of barbering ~~or~~, cosmetology, aesthetics, electrology, or  
22 manicuring, as appropriate, issued by the department.

23          **SECTION 29.** 440.62 (1) (c) of the statutes is amended to read:



1           440.62 (1) (c) No school may use the title “school of barbering ~~or cosmetology~~”  
2 or any similar title unless the school holds a current school of barbering ~~or~~  
3 ~~cosmetology~~ license issued by the department.

4           **SECTION 30.** 440.62 (1) (cm) of the statutes is created to read:

5           440.62 (1) (cm) No school may use the title “school of cosmetology” or any  
6 similar title unless the school holds a current school of cosmetology license issued by  
7 the department.

8           **SECTION 31.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and  
9 440.62 (3) (ar) (intro.), 2., 3., 4. and 8. of the statutes, as renumbered, are amended  
10 to read:

11           440.62 (3) (ar) *School of ~~barbering or~~ cosmetology license.* (intro.) The  
12 department shall issue a school of ~~barbering or~~ cosmetology license to each school  
13 that meets all of the following requirements:

14           2. Requires as a prerequisite to graduation completion of a course of instruction  
15 in ~~barbering or~~ cosmetology of at least 1,800 training hours in not less than 10  
16 months. The course of instruction may not exceed 8 training hours in any one day  
17 for any student or 48 hours in any one week for any student.

18           3. If the school offers a course of theoretical instruction for cosmetology  
19 managers, requires as a prerequisite to completion of the that course of instruction  
20 ~~for managers~~ the completion of at least 150 training hours of theoretical instruction.

21           4. If the school offers a course of theoretical instruction for apprentices under  
22 s. 454.10, requires as a prerequisite to completion of the course of instruction for  
23 those apprentices the completion of at least 288 training hours in not less than 9  
24 weeks and not more than 2 years.

1           8. Satisfies the requirements for schools of ~~barbering~~ or cosmetology  
2 established in rules promulgated under subs. (2) (e) and (5) (b) 1, and s. 440.64 (1)  
3 (b).

4           **SECTION 32.** 440.62 (3) (ag) of the statutes is created to read:

5           440.62 (3) (ag) *School of barbering.* The department shall issue a school of  
6 barbering license to each school that meets all of the following requirements:

7           1. Satisfies the conditions in sub. (2).

8           2. Requires as a prerequisite to graduation completion of a course of instruction  
9 in barbering of at least 1,000 training hours in not less than 10 months. The course  
10 of instruction may not exceed 8 training hours in any one day for any student or 48  
11 hours in any one week for any student.

12           3. If the school offers a course of theoretical instruction for barbering managers,  
13 requires as a prerequisite to completion of that course of instruction the completion  
14 of at least 150 training hours of theoretical instruction.

15           4. If the school offers a course of theoretical instruction for apprentices under  
16 s. 454.26, requires as a prerequisite to completion of the course of instruction for  
17 those apprentices the completion of at least 288 training hours in not less than 9  
18 weeks and not more than 2 years.

19           5. Satisfies the requirements for schools of barbering established in rules  
20 promulgated under subs. (2) (e) and (5) (b) 2. and s. 440.64 (1) (b).

21           **SECTION 33.** 440.62 (3) (ar) 4m. of the statutes is created to read:

22           440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the  
23 course of instruction satisfies the requirements under par. (ag) 2.

24           **SECTION 34.** 440.62 (5) (b) of the statutes is renumbered 440.62 (5) (b) 1. and  
25 amended to read:

1           440.62 (5) (b) 1. The cosmetology examining board shall promulgate rules  
2           prescribing the subjects required to be included in courses of instruction at schools  
3           of cosmetology and specialty schools and establishing minimum standards for  
4           courses of instruction and instructional materials and equipment at schools of of  
5           cosmetology and specialty schools.

6           **SECTION 35.** 440.62 (5) (b) 2. of the statutes is created to read:

7           440.62 (5) (b) 2. The department shall promulgate rules prescribing the  
8           subjects required to be included in courses of instruction at schools of barbering and  
9           establishing minimum standards for courses of instruction and instructional  
10          materials and equipment at schools of barbering.

11          **SECTION 36.** 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a)  
12          and amended to read:

13          440.63 (1) (a) No person may provide practical instruction in barbering ~~or~~  
14          ~~cosmetology in a school of barbering or cosmetology~~ unless the person holds a current  
15          barbering instructor or cosmetology instructor certificate issued by the department,  
16          ~~except as follows:~~

17          **SECTION 37.** 440.63 (1) (a) 1. of the statutes is repealed.

18          **SECTION 38.** 440.63 (1) (a) 2. of the statutes is repealed.

19          **SECTION 39.** 440.63 (1) (am) of the statutes is created to read:

20          440.63 (1) (am) No person may provide practical instruction in cosmetology  
21          unless the person holds a current cosmetology instructor certificate issued by the  
22          department.

23          **SECTION 40.** 440.63 (1) (b), (c) and (d) of the statutes are amended to read:

1           440.63 (1) (b) No person may provide practical instruction in ~~a school of~~  
2           aesthetics unless the person holds a current ~~barbering or cosmetology instructor or~~  
3           aesthetics instructor or cosmetology instructor certificate issued by the department.

4           (c) No person may provide practical instruction in electrology ~~in a school of~~  
5           ~~barbering or cosmetology or school of electrology~~ unless the person holds a current  
6           electrology instructor certificate issued by the department.

7           (d) No person may provide practical instruction in ~~a school of~~ manicuring  
8           unless the person holds a current ~~barbering or cosmetology instructor or~~ manicuring  
9           instructor or cosmetology instructor certificate issued by the department.

10           **SECTION 41.** 440.63 (3) (a) (intro.), 2. and 4. of the statutes are amended to read:

11           440.63 (3) (a) *Barbering or cosmetology instructor certification.* (intro.) The  
12           department shall issue a barbering ~~or cosmetology~~ instructor certificate to each  
13           person who meets all of the following requirements:

14           2. Completes 2,000 hours of practice as a licensed barber ~~or cosmetologist~~ or  
15           holds a current barbering manager license issued by the ~~examining board~~  
16           department.

17           4. Passes an examination conducted by the department to determine fitness as  
18           a barbering ~~or cosmetology~~ instructor.

19           **SECTION 42.** 440.63 (3) (am) of the statutes is created to read:

20           440.63 (3) (am) *Cosmetology instructor certification.* The department shall  
21           issue a cosmetology instructor certificate to each person who meets all of the  
22           following requirements:

23           1. Satisfies the conditions in sub. (2).

24           2. Completes 2,000 hours of practice as a licensed cosmetologist or holds a  
25           current cosmetology manager license issued by the cosmetology examining board.

1 3. Completes 150 training hours of instructor training approved by the  
2 department.

3 4. Passes an examination conducted by the department to determine fitness as  
4 a cosmetology instructor.

5 **SECTION 43.** 440.635 of the statutes is amended to read:

6 440.635 (1) No person may provide practical instruction in a specialty school  
7 of aesthetics unless the person holds a current cosmetology manager license issued  
8 by the cosmetology examining board or a current ~~barbering or~~ cosmetology instructor  
9 or aesthetics instructor certificate issued by the department.

10 (2) No person may provide practical instruction in a specialty school of  
11 electrology unless the person holds a current electrologist license and a current  
12 cosmetology manager license issued by the cosmetology examining board or an  
13 electrology instructor certificate issued by the department.

14 (3) No person may provide practical instruction in a specialty school of  
15 manicuring unless the person holds a current cosmetology manager license issued  
16 by the cosmetology examining board or a current ~~barbering or~~ cosmetology instructor  
17 or manicuring instructor certificate issued by the department.

18 **SECTION 44.** 440.64 (1) (a) of the statutes is amended to read:

19 440.64 (1) (a) The department shall investigate the adequacy of the courses of  
20 instruction and instructional materials and equipment at schools and specialty  
21 schools and review those courses of instruction, instructional materials, and  
22 equipment for compliance with minimum standards established by rules of the  
23 department or cosmetology examining board, as appropriate.

24 **SECTION 45.** Chapter 454 (title) of the statutes is amended to read:

25 **CHAPTER 454**

**BARBERING AND COSMETOLOGY EXAMINING BOARD**

**SECTION 46.** Subchapter I (title) [precedes 454.01] of the statutes is created to read:

**CHAPTER 454****SUBCHAPTER I****COSMETOLOGY EXAMINING BOARD**

**SECTION 47.** 454.01 (intro.) of the statutes is amended to read:

**454.01 Definitions.** (intro.) In this ~~chapter~~ subchapter:

**SECTION 48.** 454.01 (5) (intro.) and (a) of the statutes are consolidated, renumbered 454.01 (5m) and amended to read:

454.01 (5m) “Barbering or cosmetology” means, for compensation, performing any one or a combination of the following practices: ~~(a) Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair or beard of any person by any means~~ has the meaning given in s. 454.20 (2).

**SECTION 49.** 454.01 (5) (b) of the statutes is repealed.

**SECTION 50.** 454.01 (5) (c) and (d) of the statutes are renumbered 454.01 (7m) (c) and (d), and 454.01 (7m) (d) of the statutes, as renumbered, is amended to read:

454.01 (7m) (d) The removal of hair of any person at the root, except by use of an electric needle.

**SECTION 51.** 454.01 (6) of the statutes is renumbered 454.01 (7e) and amended to read:

454.01 (7e) “~~Barber or cosmetologist~~ Cosmetologist” means a person who practices ~~barbering or cosmetology~~.

**SECTION 52.** 454.01 (7m) (intro.), (a) and (b) of the statutes are created to read:

1           454.01 **(7m)** (intro.) “Cosmetology” means, for compensation, performing one  
2 or more of the following:

3           (a) Barbering.

4           (b) Aesthetics.

5           **SECTION 53.** 454.01 (10) of the statutes is amended to read:

6           454.01 **(10)** “Establishment” means any place in which barbering or,  
7 cosmetology, aesthetics, electrology, or manicuring is performed.

8           **SECTION 54.** 454.01 (11) of the statutes is amended to read:

9           454.01 **(11)** “Examining board” means the ~~barbering and~~ cosmetology  
10 examining board.

11           **SECTION 55.** 454.01 (11m) of the statutes is created to read:

12           454.01 **(11m)** “Inactive license” means a license issued under s. 454.06 (2) to  
13 (6) that is classified as inactive by the examining board under s. 454.06 (8m).

14           **SECTION 56.** 454.01 (12) of the statutes is renumbered 454.01 (7s) and amended  
15 to read:

16           454.01 **(7s)** “~~Manager~~ Cosmetology manager” means a person who practices  
17 ~~barbering or~~ cosmetology and who is responsible for ~~supervising and~~ managing the  
18 operation of an establishment and ~~ensuring that the establishment operates in~~  
19 ~~compliance with this chapter and rules promulgated by the examining board.~~

20           **SECTION 57.** 454.01 (15) of the statutes is amended to read:

21           454.01 **(15)** “Student” means a person who is ~~not licensed to practice barbering~~  
22 ~~or cosmetology and who is engaged in learning the~~ and not licensed to practice of  
23 barbering or, cosmetology, aesthetics, electrology, or manicuring at a school licensed  
24 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under  
25 s. 440.62 (4).

1           **SECTION 58.** 454.01 (15m) of the statutes is created to read:

2           454.01 (15m) “Theoretical instruction” has the meaning given in s. 440.60 (17).

3           **SECTION 59.** 454.02 (1) of the statutes is amended to read:

4           454.02 (1) Licenses A license to practice ~~barbering or cosmetology~~ do does not  
5 confer the right to diagnose, prescribe for, or treat diseases or conditions except as  
6 indicated in the definition of ~~barbering or cosmetology~~ in s. 454.01 (5) (7m) or under  
7 the direction of a licensed and practicing physician.

8           **SECTION 60.** 454.02 (2) (intro.) of the statutes is amended to read:

9           454.02 (2) (intro.) ~~Barbering or—cosmetology~~ Cosmetology, aesthetics,  
10 electrology, and manicuring do not include any of the following:

11           **SECTION 61.** 454.02 (3) (intro.) of the statutes is amended to read:

12           454.02 (3) (intro.) ~~Barbering or—cosmetology~~ Cosmetology, aesthetics, and  
13 manicuring do not include any of the following:

14           **SECTION 62.** 454.04 (1) (a) of the statutes is amended to read:

15           454.04 (1) (a) Except as permitted under pars. (b) and (d), sub. (1m), and subch.  
16 II, no person may engage in ~~barbering or cosmetology~~ unless the person has received  
17 training in the areas of service provided and holds a current ~~barber or cosmetologist~~  
18 license, or cosmetology manager license or issued by the examining board that is not  
19 an inactive license or temporary permit issued by the examining board or is an  
20 apprentice under s. 454.10 or a student in a ~~barbering or cosmetology~~ course of  
21 instruction.

22           **SECTION 63.** 454.04 (1) (b) of the statutes is amended to read:

23           454.04 (1) (b) No person may engage in aesthetics unless the person has  
24 received training in the areas of service provided and holds a current aesthetician  
25 license, ~~barber or cosmetologist~~ license, or cosmetology manager license, issued by



1 the examining board that is not an inactive license or temporary permit or training  
2 permit issued by the examining board or is an apprentice under s. 454.10 or a student  
3 in an aesthetics or ~~barbering~~ or cosmetology course of instruction.

4 **SECTION 64.** 454.04 (1) (c) of the statutes is amended to read:

5 454.04 (1) (c) No person may engage in electrology unless the person holds a  
6 current electrologist license, issued by the examining board that is not an inactive  
7 license or temporary permit or training permit issued by the examining board or is  
8 a student in an electrology course of instruction.

9 **SECTION 65.** 454.04 (1) (d) of the statutes is amended to read:

10 454.04 (1) (d) No person may engage in manicuring unless the person has  
11 received training in the areas of service provided and holds a current manicurist  
12 license, ~~barber or cosmetologist license, or cosmetology manager license,~~ issued by  
13 the examining board that is not an inactive license or temporary permit or training  
14 permit issued by the examining board or is an apprentice under s. 454.10 or a student  
15 in a manicuring or ~~barbering~~ or cosmetology course of instruction.

16 **SECTION 66.** 454.04 (1m) of the statutes is created to read:

17 454.04 (1m) No license is required under this subchapter for the use of thread  
18 to remove hair from the eyebrow, upper lip, or other area of the face of a person.

19 **SECTION 67.** 454.04 (2) (a) of the statutes is amended to read:

20 454.04 (2) (a) No person may use the title "~~barber cosmetologist~~", "~~barber~~",  
21 "~~cosmetologist~~" or "~~hairstylist~~" or any other similar title unless the person holds a  
22 current ~~barber or cosmetologist license or cosmetology manager license~~ issued by the  
23 examining board that is not an inactive license.

24 **SECTION 68.** 454.04 (2) (b) of the statutes is amended to read:

1           454.04 (2) (b) No person may use the title “aesthetician” or any other similar  
2 title unless the person holds a current aesthetician license, ~~barber or~~ cosmetologist  
3 license, or cosmetology manager license issued by the examining board that is not  
4 an inactive license.

5           **SECTION 69.** 454.04 (2) (c) of the statutes is amended to read:

6           454.04 (2) (c) No person may use the title “electrologist” or any other similar  
7 title unless the person holds a current electrologist license issued by the examining  
8 board that is not an inactive license.

9           **SECTION 70.** 454.04 (2) (d) of the statutes is amended to read:

10           454.04 (2) (d) No person may use the title “manicurist” or any other similar title  
11 unless the person holds a current manicurist license, ~~barber or~~ cosmetologist license,  
12 or cosmetology manager license issued by the examining board that is not an inactive  
13 license.

14           **SECTION 71.** 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

15           454.06 (2) ~~BARBER OR COSMETOLOGIST~~ COSMETOLOGIST LICENSE. (intro.) The  
16 examining board shall issue a ~~barber or~~ cosmetologist license to any person who does  
17 all of the following:

18           (b) Graduates from a course of instruction of at least 1,800 training hours in  
19 not less than 10 months in a school of ~~barbering or~~ cosmetology licensed under s.  
20 440.62 (3) ~~(a)~~ (ar) or exempted under s. 440.61 or has successfully completed an  
21 apprenticeship under s. 454.10.

22           (c) Passes an examination conducted by the examining board to determine  
23 fitness to practice ~~barbering or~~ cosmetology.

24           **SECTION 72.** 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to  
25 read:

1           454.06 (3) ~~MANAGER~~ COSMETOLOGY MANAGER LICENSE. (intro.) The examining  
2 board shall issue a cosmetology manager license to any person who does all of the  
3 following:

4           (a) Holds a ~~barber or~~ cosmetologist license.

5           (b) Completes 4,000 hours of practice as a licensed ~~barber or~~ cosmetologist  
6 under the supervision of a licensed cosmetology manager or completes 2,000 hours  
7 of practice as a licensed ~~barber or~~ cosmetologist and 150 training hours of theoretical  
8 instruction in a school of ~~barbering or~~ cosmetology licensed under s. 440.62 (3) ~~(a)~~ (ar)  
9 or exempted under s. 440.61.

10           (d) Passes an examination conducted by the examining board to determine  
11 fitness to practice as a cosmetology manager.

12           **SECTION 73.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

13           454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training  
14 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~  
15 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) ~~(a)~~ (ar) or (b) or  
16 exempted under s. 440.61.

17           2. At least 450 training hours of ~~training~~ in not less than 11 weeks and not more  
18 than 30 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology  
19 instructor or aesthetics instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (b) or a  
20 licensed cosmetology manager, in a licensed establishment that is also licensed as a  
21 specialty school of aesthetics under s. 440.62 (4) (a).

22           **SECTION 74.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

23           454.06 (5) (b) 1. A course of instruction in electrology of at least 450 training  
24 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~

1 or cosmetology, or a school of electrology licensed under s. 440.62 (3) ~~(a)~~ (ar) or (c) or  
2 exempted under s. 440.61.

3 2. At least 450 training hours ~~of training~~ in not less than 11 weeks and not more  
4 than 30 weeks under the supervision of an electrology instructor certified under s.  
5 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology manager,  
6 in a licensed establishment that is also licensed as a specialty school of electrology  
7 under s. 440.62 (4) (b).

8 **SECTION 75.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

9 454.06 **(6)** (b) 1. A course of instruction in manicuring of at least 300 training  
10 hours in not less than 7 weeks and not more than 20 weeks, in a school of ~~barbering~~  
11 or cosmetology or a school of manicuring licensed under s. 440.62 (3) ~~(a)~~ (ar) or (d)  
12 or exempted under s. 440.61.

13 2. At least 300 training hours of training in not less than 7 weeks and not more  
14 than 20 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology  
15 instructor or manicuring instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (d) or a  
16 licensed cosmetology manager, in a licensed establishment that is also licensed as a  
17 specialty school of manicuring under s. 440.62 (4) (c).

18 **SECTION 76.** 454.06 (7) of the statutes is amended to read:

19 454.06 **(7)** POSTING OF LICENSE CERTIFICATES. The examining board shall furnish  
20 a certificate to each licensee, certifying that the holder is licensed to practice  
21 ~~barbering or cosmetology~~, aesthetics, electrology, or manicuring or is a licensed  
22 cosmetology manager. The licensee shall post the certificate in a conspicuous place  
23 in the licensed establishment. A licensee who holds an inactive license may not post  
24 a certificate for that inactive license.

25 **SECTION 77.** 454.06 (8m) of the statutes is created to read:

1           454.06 **(8m)** INACTIVE LICENSES. (a) Any person who has been issued a license  
2 under subs. (2) to (6) may apply to the examining board to classify that license as  
3 inactive. Upon application under this paragraph, the examining board may classify  
4 a license as inactive if the examining board determines that the person who holds  
5 that license is in good standing with the examining board and intends to refrain from  
6 the practice that is authorized under the license during the period that the license  
7 is an inactive license.

8           (b) An inactive license is subject to sub. (8), except that the amount of the  
9 renewal fee for an inactive license shall be one-half of the amount of the renewal fee  
10 determined by the department for the license under s. 440.03 (9) (a).

11           (c) The examining board may remove the inactive classification of an inactive  
12 license if the person who holds that inactive license applies to the examining board  
13 to remove the inactive classification and the person meets any additional  
14 requirements of the examining board.

15           (d) A person may perform work that is included in the practice for which that  
16 person holds an inactive license if that work is minimal, as determined by the  
17 examining board by rule.

18           **SECTION 78.** 454.06 (10) (a) of the statutes is amended to read:

19           454.06 **(10)** (a) The examining board may issue a temporary permit to practice  
20 as a ~~barber or~~ cosmetologist without examination if the applicant meets all of the  
21 requirements of sub. (2) for licensure except passage of an examination and if the  
22 applicant is scheduled to take the examination for licensure.

23           **SECTION 79.** 454.07 (1) of the statutes is amended to read:

24           454.07 **(1)** The examining board shall, in accordance with s. 440.07 (2), conduct  
25 examinations for ~~barber or~~ cosmetologist, cosmetology manager, aesthetician,

1 electrologist, and manicurist licenses not less than 8 times annually, at times and  
2 places determined by the examining board.

3 **SECTION 80.** 454.08 (1) (a) of the statutes is amended to read:

4 454.08 (1) (a) The examining board may promulgate rules permitting the  
5 provision of personal care ~~barbering or~~ cosmetology, aesthetics, electrology, or  
6 manicuring services outside of licensed establishments by ~~barbers or~~ cosmetologists,  
7 aestheticians, electrologists, and manicurists to persons who are unable to leave  
8 their homes because of illness or disability or who are in hospitals, nursing homes,  
9 correctional institutions, or other institutions.

10 **SECTION 81.** 454.08 (1) (b) of the statutes is amended to read:

11 454.08 (1) (b) Except as permitted by rule promulgated under par. (a), no  
12 person may practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring  
13 in an establishment unless the establishment is licensed to provide that practice  
14 under sub. (2).

15 **SECTION 82.** 454.08 (2) (a) of the statutes is amended to read:

16 454.08 (2) (a) A ~~barber or cosmetologist~~ cosmetology establishment license  
17 ~~which~~ that authorizes the practice of barbering ~~or~~, cosmetology, aesthetics,  
18 electrology, and manicuring in the licensed establishment.

19 **SECTION 83.** 454.08 (2) (b) of the statutes is amended to read:

20 454.08 (2) (b) An ~~aesthetician~~ aesthetics establishment license ~~which~~ that  
21 authorizes the practice of aesthetics in the licensed establishment.

22 **SECTION 84.** 454.08 (2) (c) of the statutes is amended to read:

23 454.08 (2) (c) An ~~electrologist~~ electrology establishment license ~~which~~ that  
24 authorizes the practice of electrology in the licensed establishment.

25 **SECTION 85.** 454.08 (2) (d) of the statutes is amended to read:

1           454.08 (2) (d) A ~~manieurist~~ manicuring establishment license ~~which that~~  
2 authorizes the practice of manicuring in the licensed establishment.

3           **SECTION 86.** 454.08 (5) of the statutes is amended to read:

4           454.08 (5) A person who is not licensed under s. 454.06 by the examining board  
5 may own or operate an establishment, but may not practice barbering ~~or~~,  
6 cosmetology, aesthetics, electrology, or manicuring.

7           **SECTION 87.** 454.08 (6) of the statutes is amended to read:

8           454.08 (6) A person who owns ~~one or more barber or cosmetologist~~  
9 ~~establishments~~ a cosmetology establishment shall employ at least one person as a  
10 manager who holds a cosmetology manager license and ~~works full time in the~~  
11 ~~establishments~~ manages the establishment on a full-time basis. The cosmetology  
12 manager shall ensure that the establishment operates in compliance with this  
13 subchapter and rules promulgated by the examining board.

14           **SECTION 88.** 454.10 (2) of the statutes is amended to read:

15           454.10 (2) Apprentices shall receive at least 3,712 hours of practical training  
16 and at least 288 training hours of theoretical instruction ~~in theory~~ in a school of  
17 ~~barbering or~~ cosmetology in order to complete the apprenticeship program and be  
18 eligible to take the examination for a ~~barber or cosmetologist~~ license. Apprentices  
19 shall receive training for a total of at least 32 hours per week. The training shall be  
20 completed in not less than 2 years and not more than 4 years.

21           **SECTION 89.** 454.10 (3) (a) of the statutes is amended to read:

22           454.10 (3) (a) No apprentice under this section may practice ~~barbering or~~  
23 ~~cosmetology~~ except under the supervision of a licensed cosmetology manager, whose  
24 cosmetology license is not an inactive license, or under the supervision of a licensed  
25 ~~barber or cosmetologist~~, whose cosmetology license is not an inactive license, and to

1 whom supervisory authority has been delegated by a licensed cosmetology manager.  
2 A licensed cosmetology manager may only delegate supervisory authority to a  
3 licensed ~~barber or~~ cosmetologist who has completed at least 2,000 hours of practice  
4 as a licensed ~~barber or~~ cosmetologist.

5 **SECTION 90.** 454.12 (intro.) of the statutes is amended to read:

6 **454.12 Continuing education.** (intro.) The examining board may impose  
7 continuing education requirements on licensees a person who holds a license under  
8 this subchapter that is not an inactive license either:

9 **SECTION 91.** 454.13 (1) (intro.) of the statutes is amended to read:

10 454.13 (1) (intro.) Upon application and payment of the fee specified in s.  
11 440.05 (2), the examining board may issue a license to practice ~~barbering or~~  
12 cosmetology, aesthetics, electrology, or manicuring or to practice as a cosmetology  
13 manager to an applicant who is licensed in another state or territory of the United  
14 States or in another country to perform services ~~which~~ that are substantially the  
15 same as those performed by licensees in this state and to whom either of the following  
16 applies:

17 **SECTION 92.** 454.13 (2) of the statutes is amended to read:

18 454.13 (2) The examining board may enter into reciprocal agreements with  
19 officials of other states for licensing ~~barbers or~~ cosmetologists, aestheticians,  
20 electrologists, manicurists, and cosmetology managers and grant licenses to persons  
21 licensed in other states according to the terms of such an agreement.

22 **SECTION 93.** 454.15 (1) of the statutes is amended to read:

23 454.15 (1) Subject to the rules promulgated under s. 440.03 (1), the examining  
24 board may make investigations or conduct hearings to determine whether a person



1 has violated this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~  
2 subchapter.

3 **SECTION 94.** 454.15 (2) (intro.) of the statutes is amended to read:

4 454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this  
5 ~~chapter~~ subchapter, the examining board may revoke, limit, suspend, or refuse to  
6 issue or renew, in accordance with the severity of the violation, a license or permit  
7 issued under this ~~chapter~~ subchapter or reprimand the holder of a license or permit  
8 issued under this ~~chapter~~ subchapter if it finds that the holder or applicant has done  
9 any of the following:

10 **SECTION 95.** 454.15 (2) (a) of the statutes is amended to read:

11 454.15 (2) (a) Made a material misstatement in an application for license or  
12 permit or renewal, or in an application to classify a license as an inactive license.

13 **SECTION 96.** 454.15 (2) (c) of the statutes is amended to read:

14 454.15 (2) (c) Engaged in conduct in the practice of barbering ~~or~~, cosmetology,  
15 aesthetics, electrology, or manicuring which that evidences a lack of knowledge or  
16 ability to apply professional principles or skills.

17 **SECTION 97.** 454.15 (2) (d) of the statutes is amended to read:

18 454.15 (2) (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
19 felony committed while engaged in the practice of barbering ~~or~~, cosmetology,  
20 aesthetics, electrology, or manicuring.

21 **SECTION 98.** 454.15 (2) (i) of the statutes is amended to read:

22 454.15 (2) (i) Violated this ~~chapter~~ subchapter or any rule promulgated under  
23 this ~~chapter~~ subchapter.

24 **SECTION 99.** 454.15 (2) (j) of the statutes is created to read:

25 454.15 (2) (j) Violated subch. II or any rule promulgated under subch. II.

1           **SECTION 100.** 454.16 of the statutes is amended to read:

2           **454.16 Penalties.** Any person who violates this chapter subchapter or any  
3 rule promulgated under this chapter subchapter shall be fined not less than \$100 nor  
4 more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or  
5 both.

6           **SECTION 101.** Subchapter II of chapter 454 [precedes 454.20] of the statutes is  
7 created to read:

8                                   **CHAPTER 454**

9                                   SUBCHAPTER II

10                                  BARBERING

11           **454.20 Definitions.** In this subchapter:

12           (1) “Barber” means a person who practices barbering.

13           (2) “Barbering” means, for compensation, arranging, styling, dressing,  
14 shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting,  
15 shaving, trimming, relaxing, singeing, or performing similar work upon the hair of  
16 the head, neck, or face of any person by any means. “Barbering” does not include the  
17 removal of a person’s hair at the root or the application of temporary or permanent  
18 eyelash extensions to the eyelashes of a person.

19           (3) “Barbering manager” means a person who practices barbering and who is  
20 responsible for managing the operation of a barbering establishment.

21           (5) “Cosmetology” has the meaning given in s. 454.01 (7m).

22           (6) “Establishment” has the meaning given in s. 454.01 (10).

23           (7) “Licensed barber” means a person licensed by the department under s.  
24 454.23 (2) whose license is not an inactive license under s. 454.23 (6).

1           **(8)** “Licensed barbering establishment” means an establishment licensed by  
2 the department under s. 454.25 (2).

3           **(9)** “Licensed barbering manager” means a person licensed by the department  
4 under s. 454.23 (3) whose license is not an inactive license under s. 454.23 (6).

5           **(10)** “Licensed cosmetologist” means a person licensed by the cosmetology  
6 examining board under s. 454.06 (2) whose license is not an inactive license under  
7 s. 454.06 (8m).

8           **(11)** “Licensed cosmetology establishment” means an establishment licensed  
9 by the cosmetology examining board under s. 454.08 (2) (a).

10           **(12)** “Licensed cosmetology manager” means a person licensed by the  
11 cosmetology examining board under s. 454.06 (3) whose license is not an inactive  
12 license under s. 454.06 (8m).

13           **(13)** “Student” has the meaning given in s. 454.01 (15).

14           **(14)** “Training hour” has the meaning given in s. 454.01 (16).

15           **454.21 Limitations and exceptions.** Barbering does not include any of the  
16 following:

17           (a) A service performed by a person licensed, certified, or registered under the  
18 laws of this state as a physician, physician assistant, nurse, or funeral director if the  
19 service is within the scope of the license, certificate, or registration.

20           (b) A service performed in a correctional institution, hospital, or licensed  
21 nursing home under the supervision of a person responsible for inmate or patient  
22 care.

23           **454.22 Practice.** **(1)** No person may engage in barbering unless the person  
24 is one of the following:

25           (a) A licensed barber.

1 (b) A licensed barbering manager.

2 (c) An apprentice in barbering under s. 454.26.

3 (d) A student in a barbering course of instruction.

4 (e) A person who holds a temporary permit to practice barbering granted by the  
5 department under s. 454.23 (7).

6 (f) A licensed cosmetologist.

7 (g) A licensed cosmetology manager.

8 (h) An apprentice in cosmetology under s. 454.10.

9 (g) A student in a cosmetology course of instruction.

10 (h) A person who holds a temporary permit to practice cosmetology granted by  
11 the cosmetology examining board under s. 454.06 (10).

12 (2) No person may use the title “barber” or “hairstylist” or any other similar  
13 title unless the person is a licensed barber, licensed barbering manager, licensed  
14 cosmetologist, or licensed cosmetology manager.

15 **454.23 Licensure.** (1) APPLICATION. An applicant for licensure under this  
16 section shall submit an application to the department on a form prescribed by the  
17 department.

18 (2) BARBER LICENSE. The department shall grant a barber license to any person  
19 who submits an application under sub. (1) and satisfies all of the following  
20 conditions:

21 (a) The applicant pays the initial credential fee determined by the department  
22 under s. 440.03 (9) (a), except as provided in s. 454.27 (1).

23 (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant presents evidence  
24 satisfactory to the department that the applicant has not been convicted of a felony  
25 committed while engaged in the practice of barbering.

1 (c) The applicant graduates from high school or attains high school graduation  
2 equivalency as determined by the department of public instruction; is participating  
3 in a program approved by the department; or is at least 18 years old and meets the  
4 ability to benefit rule under 20 USC 1091 (d).

5 (d) The applicant graduates from a course of instruction in barbering of at least  
6 1,000 training hours in barbering in not less than 10 months in a school of barbering  
7 licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3)  
8 (ar), or a school that is exempted under s. 440.61 or the applicant successfully  
9 completes an apprenticeship under s. 454.26.

10 (e) The applicant passes an examination conducted by the department to  
11 determine fitness to practice barbering.

12 **(3) BARBERING MANAGER LICENSE.** The department shall grant a barbering  
13 manager license to any person who satisfies all of the following conditions:

14 (a) The person is a licensed barber or licensed cosmetologist.

15 (b) The person completes 4,000 hours of practice as a licensed barber or licensed  
16 cosmetologist under the supervision of a licensed barbering manager or licensed  
17 cosmetology manager or completes 2,000 hours of practice as a licensed barber or  
18 licensed cosmetologist and 150 training hours of theoretical instruction in barbering  
19 in a school of barbering licensed under s. 440.62 (3) (ag) or school of cosmetology  
20 licensed under s. 440.62 (3) (ar) or exempted under s. 440.61.

21 (c) Pays the fee under s. 440.05 (1).

22 (d) Passes an examination conducted by the department to determine fitness  
23 to practice as a barbering manager.

24 **(4) POSTING OF LICENSE CERTIFICATE.** The department shall issue a certificate to  
25 each person licensed under sub. (2) or (3), certifying that the holder is a licensed

1 barber or licensed barbering manager. The licensee shall post the certificate in a  
2 conspicuous place in the primary establishment where the licensee practices.

3 (5) EXPIRATION AND RENEWAL. The renewal dates for licenses granted under  
4 subs. (2) and (3) are specified under s. 440.08 (2) (a), and the renewal fees for those  
5 licenses are determined by the department under s. 440.03 (9) (a).

6 (6) INACTIVE LICENSE. (a) Any person who is issued a license under sub. (2) or  
7 (3) may apply to the department to classify that license as inactive. Upon application  
8 under this paragraph, the department may classify a license as inactive if the  
9 department determines that the person who holds that license is in good standing  
10 with the department and intends to refrain from barbering during the period that  
11 the license is inactive.

12 (b) An inactive license is subject to sub. (5), except that the amount of the  
13 renewal fee for an inactive license shall be one-half of the amount of the renewal fee  
14 determined by the department for the license under s. 440.03 (9) (a).

15 (c) The department may remove the inactive classification of an inactive license  
16 if the person who holds that inactive license applies to the department to remove the  
17 inactive classification and the person meets any additional requirements of the  
18 department.

19 (d) A person whose license is inactive under this subsection may perform  
20 minimal barbering work, as determined by the department by rule.

21 (7) TEMPORARY PERMIT. (a) The department may grant a temporary permit to  
22 practice as a barber if an applicant under sub. (2) satisfies all of the conditions under  
23 sub. (2) except passage of the examination for licensure and the applicant is  
24 scheduled to take that examination.

1 (b) A temporary permit granted under par. (a) is valid for 6 months and may  
2 not be renewed. The fee for a temporary permit is specified in s. 440.05 (6).

3 **454.24 Examinations. (1)** The department shall, in accordance with s. 440.07  
4 (2), conduct examinations for barber licenses at least 8 times annually, at times and  
5 places determined by the department.

6 (2) The examination for a license under s. 454.23 (2) or (3) shall consist of  
7 written tests and practical demonstrations requiring applicants to demonstrate  
8 minimum competency in services and subjects substantially related to the practice  
9 of a barber or barbering manager, as appropriate, and public health and safety.

10 (3) A person is not eligible for examination for a license granted under s. 454.23  
11 (2) or (3) unless the person completes the requirements for licensure under s. 454.23  
12 (2) or (3) except passage of the examination.

13 (4) An applicant for a license under s. 454.23 (2) or (3) shall file an application  
14 for examination in the office of the department at least 3 weeks before the  
15 examination. If an applicant fails to file the application within the required time,  
16 the department may postpone the applicant's examination to the date of the next  
17 available regular examination. The department may require an applicant who fails  
18 to appear for or to complete an examination to reapply for examination. An applicant  
19 who fails an examination may request reexamination and shall pay a fee for  
20 reexamination, according to the procedures and fees established under s. 440.06.

21 **454.25 Barbering establishment license. (1)** (a) The department may  
22 promulgate rules permitting the provision of barbering services outside of a licensed  
23 barbering establishment or a licensed cosmetology establishment by a barber to a  
24 person who is unable to leave his or her home because of illness or disability or who  
25 is in a hospital, nursing home, correctional institution, or other institution.

1           (b) Except as permitted by rule promulgated under par. (a), no person may  
2 practice barbering in an establishment unless the establishment is a licensed  
3 barbering establishment or licensed cosmetology establishment.

4           **(2)** The department shall grant a barbering establishment license that  
5 authorizes the practice of barbering in the licensed establishment to any person who  
6 pays the initial credential fee determined by the department under s. 440.03 (9) (a)  
7 and who satisfies the requirements established by the department by rule, including  
8 proof of ownership of the business that operates the establishment. Any change of  
9 ownership of a licensed barbering establishment shall be reported to the department  
10 by the new owner within 5 days after the change of ownership.

11           **(3)** The department shall, by rule, establish minimum standards concerning  
12 the maintenance, equipment, plans, and specifications for licensed barbering  
13 establishments as they relate to the public health and safety. The department may  
14 not license a barbering establishment under this section unless the establishment  
15 meets the standards established by the department. A person proposing to open a  
16 barbering establishment in a new location shall apply to the department for an  
17 inspection and approval of the establishment, submitting an exact description and  
18 floor plan of the proposed establishment on a form provided by the department.

19           **(4)** A person who is not a licensed barber, licensed barbering manager, licensed  
20 cosmetologist, or licensed cosmetology manager may own or operate a licensed  
21 barbering establishment, but may not practice barbering.

22           **(5)** A person who owns a licensed barbering establishment shall employ at least  
23 one person as a manager who is a licensed barbering manager or licensed  
24 cosmetology manager and works full-time in the establishment.



1           **(7)** Commercial businesses and practices other than barbering may be operated  
2 in a licensed barbering establishment, except that a business or practice that poses  
3 a sanitation or health hazard may not be conducted within a licensed barbering  
4 establishment.

5           **(8)** The department shall furnish a certificate to the owner of a licensed  
6 barbering establishment, certifying that the establishment is licensed by the  
7 department. The owner shall post the certificate in a conspicuous place in the  
8 establishment.

9           **(9)** The renewal date for a barbering establishment license is specified under  
10 s. 440.08 (2) (a), and the renewal fee for a barbering establishment license is  
11 determined by the department under s. 440.03 (9) (a).

12           **454.26 Apprenticeship. (1)** An apprentice in barbering shall be employed  
13 under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the  
14 apprenticeship rules of the department of workforce development, and the rules of  
15 the department.

16           **(2)** An apprentice in barbering shall receive at least 3,712 hours of practical  
17 training in barbering and at least 288 training hours of instruction in barbering in  
18 a school of barbering or school of cosmetology in order to complete the apprenticeship  
19 program and be eligible to take the examination for a barber license. An apprentice  
20 in barbering shall receive training in barbering for a total of at least 32 hours per  
21 week. The training shall be completed in not less than 2 years and not more than  
22 4 years.

23           **(3) (a)** An apprentice in barbering may not practice barbering except under the  
24 supervision of a licensed barbering manager or licensed cosmetology manager or  
25 under the supervision of a licensed barber or licensed cosmetologist to whom

1 supervisory authority has been delegated by a licensed barbering manager or  
2 licensed cosmetology manager. A licensed barbering manager or licensed  
3 cosmetology manager may only delegate supervisory authority to a licensed barber  
4 or licensed cosmetologist who has completed at least 2,000 hours of practice as a  
5 licensed barber or licensed cosmetologist.

6 (b) An apprentice in barbering shall be trained in all branches of practical work  
7 and in all subjects required to be taught in a school of barbering as prescribed by the  
8 department by rule.

9 (4) A person who successfully completes the requirements of sub. (2) may not  
10 continue to practice as an apprentice in barbering but may apply for a temporary  
11 permit under s. 454.23 (7).

12 **454.27 Licensees of other jurisdictions.** (1) Upon application and payment  
13 of the fee specified in s. 440.05 (2), the department may grant a license to practice  
14 barbering or to practice as a barbering manager to an applicant who is licensed in  
15 another state or territory of the United States or in another country to perform  
16 services that are substantially the same as those performed by a licensed barber or  
17 licensed barbering manager in this state and to whom at least one of the following  
18 applies:

19 (a) The applicant has at least 4,000 hours of experience in licensed practice, has  
20 never been disciplined by the licensing authority of another jurisdiction, and is not  
21 a party to a proceeding before the licensing agency in which it is alleged that the  
22 applicant was negligent in the licensed practice or violated any law relating to the  
23 licensed practice.

1 (b) The applicant meets the requirements established in a reciprocal  
2 agreement under sub. (2) between the department and the licensing authority in the  
3 state where the applicant is licensed.

4 (2) The department may enter into a reciprocal agreement with the officials of  
5 another state for the licensing of barbers in this state and may grant a license to a  
6 person licensed in the other state according to the terms of that agreement.

7 **454.28 Inspections.** (1) The department shall appoint inspectors under the  
8 classified service to inspect licensed barbering establishments.

9 (2) An inspector appointed under sub. (1) may enter and inspect any licensed  
10 barbering establishment at any time during business hours.

11 **454.285 Disclosure of temporary permit status.** A person practicing under  
12 a temporary permit to practice barbering granted under s. 454.23 (7) shall, before  
13 performing any barbering services, inform the person receiving the barbering service  
14 that he or she is practicing under a temporary permit and that he or she has satisfied  
15 all requirements except passage of an examination for a barbering license.

16 **454.287 Advisory committee.** The secretary shall appoint an advisory  
17 committee under s. 440.042 to advise the department on matters relating to the  
18 regulation of barbers, barbering managers, and barbering establishments under this  
19 subchapter and the rules required under s. 440.62 (5) (b) 2.

20 **454.29 Disciplinary proceedings and actions.** (1) Subject to the rules  
21 promulgated under s. 440.03 (1), the department may make investigations or  
22 conduct hearings to determine whether a person has violated this subchapter or any  
23 rule promulgated under this subchapter.

24 (2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter,  
25 the department may revoke, limit, suspend, or refuse to issue or renew, in accordance

1 with the severity of the violation, a license or temporary permit granted under this  
2 subchapter or reprimand the holder of a license or temporary permit granted under  
3 this subchapter if the department finds that the holder or applicant has done any of  
4 the following:

5 (a) Made a material misstatement in an application for a license, renewal of a  
6 license, or temporary permit.

7 (b) Failed to correct or take substantial steps approved by the department to  
8 correct a violation of any sanitary or other rule of the department within the time  
9 limit stated by the department in a notification of violation.

10 (c) Engaged in conduct in the practice of barbering that evidences a lack of  
11 knowledge or ability to apply professional principles or skills.

12 (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a felony  
13 committed while engaged in the practice of barbering.

14 (e) Continued practice while knowingly having an infectious, contagious, or  
15 communicable disease.

16 (f) Advertised in a manner that is false, deceptive, or misleading.

17 (g) Advertised, practiced, or attempted to practice under another's name or  
18 another's trade name.

19 (h) Subject to ss. 111.321, 111.322, and 111.34, been addicted to alcohol or other  
20 drugs to an extent related to the individual's ability to adequately undertake the  
21 job-related responsibilities of that individual's licensure.

22 (i) Violated this subchapter or any rule promulgated under this subchapter.

23 **(3)** The department may, in addition to or in lieu of a reprimand or revocation,  
24 limitation, suspension, or denial of a license or temporary permit, assess against a  
25 person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not more

1 than \$1,000 for each separate offense. Each day of continued violation constitutes  
2 a separate offense.

3 **454.295 Penalties.** Any person who violates this subchapter or any rule  
4 promulgated under this subchapter shall be fined not less than \$100 nor more than  
5 \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

6 **SECTION 102. Nonstatutory provisions.**

7 (1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS,  
8 ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED  
9 BARBERING OR COSMETOLOGY INSTRUCTORS.

10 (a) *Definition.* In this subsection, “department” means the department of  
11 safety and professional services.

12 (b) *Barbers.* Notwithstanding section 454.23 (1) and (2) of the statutes, as  
13 created by this act, and subject to a notification and renewal under this paragraph,  
14 on the effective date of this paragraph, a person who, immediately prior to the  
15 effective date of this paragraph, held a valid barber or cosmetologist license granted  
16 by the barbering and cosmetology examining board, is considered to be a licensed  
17 barber, as defined in section 454.20 (7) of the statutes, as created by this act. The  
18 department shall issue a barber license to that person under section 454.23 (2) of the  
19 statutes, as created by this act, if the person notifies the department that the person  
20 intends to practice as a barber subject to subchapter II of chapter 454 of the statutes,  
21 as created by this act, and satisfies the applicable renewal requirements for a barber  
22 license under section 440.08 of the statutes, as affected by this act, before April 1,  
23 2013.

24 (c) *Cosmetologists.* Notwithstanding section 454.06 (1) and (2) of the statutes,  
25 as affected by this act, and subject to a notification and renewal under this

1 paragraph, on the effective date of this paragraph, a person who, immediately prior  
2 to the effective date of this paragraph, held a valid barber or cosmetologist license  
3 granted by the barbering and cosmetology examining board, is considered to be a  
4 licensed cosmetologist, as defined in section 454.20 (10) of the statutes, as created  
5 by this act. The cosmetology examining board shall issue a cosmetologist license to  
6 that person under section 454.06 (2) of the statutes, as affected by this act, if the  
7 person notifies the cosmetology examining board that the person intends to practice  
8 as a cosmetologist subject to subchapter I of chapter 454 of the statutes, as created  
9 by this act, and satisfies the applicable renewal requirements for a cosmetologist  
10 license under section 440.08 of the statutes, as affected by this act, before April 1,  
11 2013.

12 (d) *Barbering managers.* Notwithstanding section 454.23 (1) and (3) of the  
13 statutes, as created by this act, and subject to a notification and renewal under this  
14 paragraph, on the effective date of this paragraph, a person who, immediately prior  
15 to the effective date of this paragraph, held a valid manager license granted by the  
16 barbering and cosmetology examining board, is considered to be a licensed barbering  
17 manager, as defined in section 454.20 (9) of the statutes, as created by this act. The  
18 department shall issue a barbering manager license to that person under section  
19 454.23 (3) of the statutes, as created by this act, if the person notifies the department  
20 that the person intends to practice as a barbering manager subject to subchapter II  
21 of chapter 454 of the statutes, as created by this act, and satisfies the applicable  
22 renewal requirements for a barbering manager license under section 440.08 of the  
23 statutes, as affected by this act, before April 1, 2013.

24 (e) *Cosmetology managers.* Notwithstanding section 454.06 (1) and (3) of the  
25 statutes, as affected by this act, and subject to a notification and renewal under this

1 paragraph, on the effective date of this paragraph, a person who, immediately prior  
2 to the effective date of this paragraph, held a valid manager license granted by the  
3 barbering and cosmetology examining board, is considered to be a licensed  
4 cosmetology manager, as defined in section 454.20 (12) of the statutes, as created by  
5 this act. The cosmetology examining board shall issue a cosmetology manager  
6 license to that person under section 454.06 (3) of the statutes, as affected by this act,  
7 if the person notifies the cosmetology examining board that the person intends to  
8 practice as a cosmetology manager subject to subchapter I of chapter 454 of the  
9 statutes, as created by this act, and satisfies the applicable renewal requirements for  
10 a cosmetology manager license under section 440.08 of the statutes, as affected by  
11 this act, before April 1, 2013.

12 (f) *Barbering establishments.* Notwithstanding section 454.25 of the statutes,  
13 as created by this act, and subject to a notification and renewal under this paragraph,  
14 on the effective date of this paragraph, an establishment, as defined under section  
15 454.01 (10) of the statutes, that, immediately prior to the effective date of this  
16 paragraph, held a valid barbering or cosmetologist establishment license granted by  
17 the barbering and cosmetology examining board, is considered to be a licensed  
18 barbering establishment, as defined in section 454.20 (8) of the statutes, as created  
19 by this act. The department shall issue a barbering establishment license for that  
20 establishment under section 454.25 (2) of the statutes, as created by this act, if an  
21 authorized representative of the establishment notifies the department that the  
22 establishment will be maintained as a barbering establishment subject to  
23 subchapter II of chapter 454 of the statutes, as created by this act, and the applicable  
24 renewal requirements for a barbering establishment license under section 440.08 of

1 the statutes, as affected by this act, are satisfied for the establishment before April  
2 1, 2013.

3 (g) *Cosmetology establishments.* Notwithstanding section 454.08 of the  
4 statutes, as affected by this act, and subject to a notification and renewal under this  
5 paragraph, on the effective date of this paragraph, an establishment, as defined  
6 under section 454.01 (10) of the statutes, as affected by this act, that, immediately  
7 prior to the effective date of this paragraph, held a valid barbering or cosmetologist  
8 establishment license granted by the barbering and cosmetology examining board,  
9 is considered to be a licensed cosmetology establishment, as defined in section 454.20  
10 (11) of the statutes, as created by this act. The cosmetology examining board shall  
11 issue a cosmetology establishment license for that establishment under section  
12 454.08 (2) (a) of the statutes, as affected by this act, if an authorized representative  
13 of the establishment notifies the cosmetology examining board that the  
14 establishment will be maintained as a cosmetology establishment subject to  
15 subchapter I of chapter 454 of the statutes, as created by this act, and the applicable  
16 renewal requirements for a cosmetology establishment license under section 440.08  
17 of the statutes, as affected by this act, are satisfied for the establishment before April  
18 1, 2013.

19 (h) *Schools of barbering.* Notwithstanding section 440.62 (3) (ag) of the  
20 statutes, as created by this act, and subject to a notification and renewal under this  
21 paragraph, on the effective date of this paragraph, a school, as defined in section  
22 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the  
23 effective date of this paragraph, held a valid school of barbering or cosmetology  
24 license granted by the department, is considered to be a licensed school of barbering  
25 under subchapter VI of chapter 440 of the statutes, as affected by this act. The



1 department shall issue a school of barbering license to that school under section  
2 440.62 (3) (ag) of the statutes, as created by this act, if an authorized representative  
3 of the school notifies the department that the school will be maintained as a school  
4 of barbering subject to subchapter VI of chapter 440 of the statutes, as affected by  
5 this act, and the applicable renewal requirements for a school of barbering license  
6 under section 440.08 of the statutes, as affected by this act, are satisfied for the school  
7 before April 1, 2013.

8 (i) *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) of the  
9 statutes, as created by this act, and subject to a notification and renewal under this  
10 paragraph, on the effective date of this paragraph, a school, as defined in section  
11 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the  
12 effective date of this paragraph, held a valid school of barbering or cosmetology  
13 license granted by the department is considered to be a licensed school of cosmetology  
14 under subchapter VI of chapter 440 of the statutes, as affected by this act. The  
15 department shall issue a school of barbering license to that school under section  
16 440.62 (3) (ar) of the statutes, as created by this act, if an authorized representative  
17 of the school notifies the department that the school will be maintained as a school  
18 of cosmetology subject to subchapter VI of chapter 440 of the statutes, as affected by  
19 this act, and the applicable renewal requirements for a school of cosmetology license  
20 under section 440.08 of the statutes, as affected by this act, are satisfied for the school  
21 before April 1, 2013.

22 (j) *Barbering instructors.* Notwithstanding section 440.63 (3) (a) of the  
23 statutes, as affected by this act, and subject to a notification and renewal under this  
24 paragraph, on the effective date of this paragraph, a person who, immediately prior  
25 to the effective date of this paragraph, held a valid barbering or cosmetology

1 instructor certificate granted by the department, is considered to be a certified  
2 barbering instructor under subchapter VI of chapter 440 of the statutes, as affected  
3 by this act. The department shall issue a barbering instructor certificate to that  
4 person under section 440.63 (3) (a) of the statutes, as affected by this act, if the person  
5 notifies the department that the person intends to act as a barbering instructor  
6 subject to subchapter VI of chapter 440 of the statutes, as affected by this act, and  
7 satisfies the applicable renewal requirements for a barbering instructor certificate  
8 under section 440.08 of the statutes, as affected by this act, before April 1, 2013.

9 (k) *Cosmetology instructors.* Notwithstanding section 440.63 (3) (am) of the  
10 statutes, as created by this act, and subject to a notification and renewal under this  
11 paragraph, on the effective date of this paragraph, a person who, immediately prior  
12 to the effective date of this paragraph, held a valid barbering or cosmetology  
13 instructor certificate granted by the department, is considered to be a certified  
14 cosmetology instructor under subchapter VI of chapter 440 of the statutes, as  
15 affected by this act. The department shall issue a cosmetology instructor certificate  
16 to that person under section 440.63 (3) (am) of the statutes, as created by this act,  
17 if the person notifies the department that the person intends to act as a cosmetology  
18 instructor subject to subchapter VI of chapter 440 of the statutes, as affected by this  
19 act, and satisfies the applicable renewal requirements for a cosmetology instructor  
20 certificate under section 440.08 of the statutes, as affected by this act, before April  
21 1, 2013.

22 **SECTION 103. Effective date.**

23 (1) This act takes effect on July 1, 2012.

24 (END)