CHAPTER 454

BARBERING AND COSMETOLOGY

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Cross−reference: See definitions in s. 440.01.

SUBCHAPTER I

COSMETOLOGY EXAMINING BOARD

454.01 Definitions. In this subchapter:

(1) "Aesthetician" means a person who practices aesthetics.

(2) "Aesthetics" means, for compensation, caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

(3) "Apprentice" means a person who is learning the practice of barbering or cosmetology under s. 454.10.

(5m) "Barbering " has the meaning given in s. 454.20 (2).

(7) "Compensation" means direct or indirect payment, including the expectation of payment whether or not actually received.

(7e) "Cosmetologist" means a person who practices cosmetology.

(7m) "Cosmetology" means, for compensation, performing one or more of the following:

(a) Barbering.

(b) Aesthetics.

(c) Manicuring.

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

(7s) "Cosmetology manager" means a person who practices cosmetology and who is responsible for managing the operation of an establishment.

(8) "Electrologist" means a person who practices electrology.

(9) "Electrology" means, for compensation, removing hair from the human body by use of an electric needle.

(10) "Establishment" means any place in which barbering, cosmetology, aesthetics, electrology, or manicuring is performed.

(11) "Examining board" means the cosmetology examining board.

(11m) "Inactive license" means a license issued under s. 454.06 (2) to (6) that is classified as inactive by the examining board under s. 454.06 (8m).

(13) "Manicuring" means, for compensation, cleansing, cutting, shaping, beautifying or massaging limited to the hands, feet or nails of the human body.

(14) "Manicurist" means a person who practices manicuring.

(15) "Student" means a person who is learning and not licensed to practice barbering, cosmetology, aesthetics, electrology, or manicuring at a school licensed under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under s. 440.62 (4).

(15m) "Theoretical instruction" has the meaning given in s. 440.60 (17).

(16) "Training hour" means at least 50 minutes but not more than 60 minutes of instruction.

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

(2) Cosmetology, aesthetics, electrology, and manicuring do not include any of the following:

(a) Services performed by a person licensed, certified or registered under the laws of this state as a physician, physician assistant, podiatrist, physical therapist, nurse or funeral director if those services are within the scope of the license, certificate or registration.

(b) Personal care services performed in correctional institutions, hospitals and licensed nursing homes under the supervision of a person responsible for inmate or patient care.

(3) Cosmetology, aesthetics, and manicuring do not include any of the following:

(a) Services performed by masseurs or masseuses.

(b) A service performed preparatory to a live public performance or appearance, whether in−person or through broadcast media, including the Internet.

(bm) A service performed in the course of the production of any digital, analog, or other recording of a moving or still image intended for public release or broadcast, including through the Internet.

(c) Aesthetics, if performed on the face to demonstrate a product without compensation from a patron other than the sale of the product.

History: 1987 a. 265; 1993 a. 105; 2011 a. 190; 2013 a. 356.

454.04 Practice. (1) (a) Except as permitted under pars. (b) and (d), sub. (1m), and subch. II, no person may engage in cosmetology unless the person has received training in the areas of service provided and holds a current cosmetologist license or cosmetology manager license issued by the examining board that is not an inactive license or temporary permit issued by the examin-

ing board or is an apprentice under s. 454.10 or a student in a cosmetology course of instruction.

(b) No person may engage in aesthetics unless the person has received training in the areas of service provided and holds a current aesthetician license, cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license or temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in an aesthetics or cosmetology course of instruction.

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

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

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

(2) (a) No person may use the title "cosmetologist" or any other similar title unless the person holds a current cosmetologist license or cosmetology manager license issued by the examining board that is not an inactive license.

(b) No person may use the title "aesthetician" or any other similar title unless the person holds a current aesthetician license, cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license.

(c) No person may use the title "electrologist" or any other similar title unless the person holds a current electrologist license issued by the examining board that is not an inactive license.

(d) No person may use the title "manicurist" or any other similar title unless the person holds a current manicurist license, cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license.

History: 1987 a. 265; 1995 a. 231; 2011 a. 190.

Cross−reference: See also ch. Cos 2, Wis. adm. code.

454.06 Licensure. (1) APPLICATION. All applications for licenses under this section shall be filed with the examining board. No initial license may be issued under this section unless all of the following conditions are satisfied:

(a) The applicant pays the initial credential fee determined by the department under s. 440.03 (9) (a), except as provided in s. 454.13 (1).

(b) Subject to ss. 111.321, 111.322 and 111.335, the applicant presents evidence satisfactory to the examining board that the applicant has not been convicted of a felony committed while engaged in the practice of barbering or cosmetology.

(c) The applicant has graduated from high school or has attained high school graduation equivalency as determined by the department of public instruction; is participating in a program approved by the examining board; or is at least 18 years old and meets the ability to benefit rule under 20 USC 1091 (d).

(2) COSMETOLOGIST LICENSE. The examining board shall issue a cosmetologist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Graduates from a course of instruction of at least 1,550 training hours in not less than 10 months in a school of cosmetology licensed under s. 440.62 (3) (ar), exempted under s. 440.61, or accredited by an accrediting agency approved by the board, or has successfully completed an apprenticeship under s. 454.10.

(c) Passes an examination conducted by the examining board to determine fitness to practice cosmetology.

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

(a) Holds a cosmetologist license.

(b) Completes 4,000 hours of practice as a licensed cosmetologist under the supervision of a licensed cosmetology manager or completes 2,000 hours of practice as a licensed cosmetologist and 150 training hours of theoretical instruction in a school of cosmetology licensed under s. 440.62 (3) (ar), exempted under s. 440.61, or accredited by an accrediting agency approved by the board.

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

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

(4) AESTHETICIAN LICENSE. The examining board shall issue an aesthetician license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of cosmetology or a school of aesthetics licensed under s. 440.62 (3) (ar) or (b), exempted under s. 440.61, or accredited by an accrediting agency approved by the board.

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

(c) Passes an examination conducted by the examining board to determine fitness to practice as an aesthetician.

(5) ELECTROLOGIST LICENSE. The examining board shall issue an electrologist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks, in a school of cosmetology or a school of electrology licensed under s. 440.62 (3) (ar) or (c), exempted under s. 440.61, or accredited by an accrediting agency approved by the board.

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

(c) Passes an examination conducted by the examining board to determine fitness to practice as an electrologist.

(6) MANICURIST LICENSE. The examining board shall issue a manicurist license to any person who does all of the following:

(a) Satisfies the conditions in sub. (1).

(b) Completes either of the following:

1. A course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks, in a school of cosmetology or a school of manicuring licensed under s. 440.62 (3) (ar) or (d), exempted under s. 440.61, or accredited by an accrediting agency approved by the board.

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

(c) Passes an examination conducted by the examining board to determine fitness to practice as a manicurist.

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

(8) EXPIRATION AND RENEWAL. The renewal date for licenses issued under subs. (2) to (6) is specified under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a).

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

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

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

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

(9) TRAINING PERMIT. A person shall obtain a training permit from the examining board before beginning training under sub. (4) (b) 2., (5) (b) 2. or (6) (b) 2. The examining board shall issue a training permit to a person who satisfies the conditions in sub. (1) (b) and (c) and who pays a $10 fee.

(10) TEMPORARY PERMIT. (a) The examining board may issue a temporary permit to practice as a cosmetologist without examination if the applicant meets all of the requirements of sub. (2) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure.

(b) The examining board may issue a temporary permit to practice as an aesthetician without examination if the applicant meets all of the requirements of sub. (4) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure.

(c) The examining board may issue a temporary permit to practice as an electrologist without examination if the applicant meets all of the requirements of sub. (5) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure.

(d) The examining board may issue a temporary permit to practice as a manicurist without examination if the applicant meets all of the requirements of sub. (6) for licensure except passage of an examination and if the applicant is scheduled to take the examination for licensure.

(e) A temporary permit issued under this subsection is valid for not more than 6 months and may not be renewed. The fee for a temporary permit issued under this subsection is specified in s. 440.05 (6).

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

Cross−reference: See also chs. Cos 8 and 9, Wis. adm. code.

454.07 Examinations. (1) The examining board shall, in accordance with s. 440.07 (2), conduct examinations for cosmetologist, cosmetology manager, aesthetician, electrologist, and manicurist licenses not less than 8 times annually, at times and places determined by the examining board.

(2) Examinations of applicants for licenses issued under s. 454.06 (2) to (6) shall consist of written tests and practical demonstrations requiring applicants to demonstrate minimum competency in services and subjects substantially related to practice and public health and safety.

(4) An applicant shall file an application for examination in the office of the examining board at least 3 weeks before the examination. If an applicant fails to file the application within the required time, the examining board may postpone the applicant's examination to the date of the next available regular examination. The examining board may require an applicant who fails to appear for or to complete an examination to reapply for examination. An applicant who fails an examination may request reexamination and shall pay a fee for reexamination, according to the procedures and fees established under s. 440.06.

History: 1987 a. 265; 2011 a. 190; 2013 a. 114.

Cross−reference: See also ch. Cos 7, Wis. adm. code.

454.075 Examining board approval of accrediting agencies. The examining board shall identify by rule the accrediting agencies it approves to accredit schools for the purpose of satisfying educational requirements for an initial license or a license renewal under this subchapter.

History: 2013 a. 356.

454.08 Establishment licenses. (1) (a) The examining board may promulgate rules permitting the provision of personal care cosmetology, aesthetics, electrology, or manicuring services outside of licensed establishments by cosmetologists, aestheticians, electrologists, and manicurists 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.

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

(2) The examining board shall issue the following establishment licenses:

(a) A cosmetology establishment license that authorizes the practice of barbering, cosmetology, aesthetics, electrology, and manicuring in the licensed establishment.

(b) An aesthetics establishment license that authorizes the practice of aesthetics in the licensed establishment.

(c) An electrology establishment license that authorizes the practice of electrology in the licensed establishment.

(d) A manicuring establishment license that authorizes the practice of manicuring in the licensed establishment.

(3) The examining board shall issue an establishment license to any person who pays the initial credential fee determined by the department under s. 440.03 (9) (a) and who satisfies the requirements established by the examining board by rule, including proof of ownership of the business. Any change of ownership shall be reported to the examining board by the new owner within 5 days after the change of ownership.

(4) The examining board shall, by rule, establish minimum standards concerning the maintenance, equipment, plans, and specifications for licensed establishments as they relate to the public health and safety. The examining board may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a manager of, or a barber or cosmetologist in, an establishment licensed under this section. The examining board may not license an establishment under this section unless it meets the standards established by the examining board. A person proposing to open an establishment in a new location shall apply to the examining board for an inspection and approval of the establishment, submitting an exact description and floor plan of the proposed location of the establishment on a form provided by the department.

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

(6) A person who owns a cosmetology establishment shall employ at least one person as a manager who holds a cosmetology manager license and manages the establishment on a full−time basis. The cosmetology manager shall ensure that the establishment operates in compliance with this subchapter and rules promulgated by the examining board.

(7) Commercial businesses and practices other than barbering or cosmetology may be operated within a licensed establishment, except that a business or practice which poses a sanitation or health hazard may not be conducted within a licensed establishment.

(8) The examining board shall furnish a certificate to the owner of a licensed establishment, certifying that the establishment is licensed by the examining board. The owner shall post the certificate in a conspicuous place in the establishment.

(9) The renewal date for licenses issued under this section is specified under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

History: 1987 a. 265; 1991 a. 39; 1997 a. 27; 2007 a. 20; 2011 a. 146, 190, 193; 2013 a. 165.

Cross−reference: See also ch. Cos 3, Wis. adm. code.

454.10 Apprenticeship. (1) All apprentices shall be employed under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the apprenticeship rules of the department of workforce development, and the rules of the examining board.

(2) Apprentices shall receive at least 3,712 hours of practical training and at least 288 training hours of theoretical instruction in a school of cosmetology licensed under s. 440.62 (3) (ar), exempted under s. 440.61, or accredited by an accrediting agency approved by the board in order to complete the apprenticeship program and be eligible to take the examination for a cosmetologist license. Apprentices shall receive training for a total of at least 32 hours per week. The training shall be completed in not less than 2 years and not more than 4 years.

(3) (a) No apprentice under this section may practice cosmetology except under the supervision of a licensed cosmetology manager, whose cosmetology license is not an inactive license, or under the supervision of a licensed cosmetologist, whose cosmetology license is not an inactive license, and to whom supervisory authority has been delegated by a licensed cosmetology manager. A licensed cosmetology manager may only delegate supervisory authority to a licensed cosmetologist who has completed at least 2,000 hours of practice as a licensed cosmetologist.

(b) Apprentices shall be trained in all branches of practical work and in all subjects required to be taught in schools of barbering or cosmetology as prescribed by the examining board by rule.

(4) A person who has successfully completed the requirements of sub. (2) may not continue to practice as an apprentice but may apply for a temporary permit under s. 454.06 (10) (a).

History: 1987 a. 265; 1995 a. 27 s. 9130 (4); 1995 a. 231; 1997 a. 3; 2009 a. 189, 291; 2011 a. 190; 2013 a. 356.

Cross−reference: See also ch. Cos 6, Wis. adm. code.

454.12 Continuing education. The examining board may impose continuing education requirements on a person who holds a license under this subchapter that is not an inactive license either:

(1) As a part of the disciplinary process to ensure competency; or

(2) By rule, if necessary to preserve the public health, safety or welfare.

History: 1987 a. 265; 2011 a. 190.

Cross−reference: See also ch. Cos 11, Wis. adm. code.

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

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

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

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

History: 1987 a. 265; 2011 a. 190.

454.14 Inspections. (1) The department shall appoint inspectors under the classified service to inspect licensed establishments.

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

History: 1987 a. 265.

Cross−reference: See also ch. Cos 3, Wis. adm. code.

454.145 Disclosure of temporary permit status. A person practicing under a temporary permit issued under s. 454.06 (10) shall, before performing a service that he or she is authorized to perform by the temporary permit, inform the person who is receiving the service that he or she is practicing under a temporary permit and that he or she has satisfied all requirements except passage of an examination for a license for the applicable occupation.

History: 1995 a. 231.

454.15 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations or conduct hearings to determine whether a person has violated this subchapter or any rule promulgated under this subchapter.

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

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

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

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

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

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

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

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

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

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

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

(3) The examining board may, in addition to or in lieu of a reprimand or revocation, limitation, suspension or denial of a license or permit, assess against a person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not more than $1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

History: 1987 a. 265; 1991 a. 39; 2011 a. 190.

Cross−reference: See also ch. Cos 10, Wis. adm. code.

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

History: 1987 a. 265; 2011 a. 190.

SUBCHAPTER II

BARBERING

454.20 Definitions. In this subchapter:

(1) "Barber" means a person who practices barbering.

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

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

(5) "Cosmetology" has the meaning given in s. 454.01 (7m).

(6) "Establishment" has the meaning given in s. 454.01 (10).

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

(8) "Licensed barbering establishment" means an establishment licensed by the department under s. 454.25 (2).

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

(10) "Licensed cosmetologist" means a person licensed by the cosmetology examining board under s. 454.06 (2) whose license is not an inactive license under s. 454.06 (8m).

(11) "Licensed cosmetology establishment" means an establishment licensed by the cosmetology examining board under s. 454.08 (2) (a).

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

(13) "Student" has the meaning given in s. 454.01 (15).

(14) "Training hour" has the meaning given in s. 454.01 (16).

History: 2011 a. 190; 2013 a. 205.

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

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

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

(3) (a) A service performed preparatory to a live public performance or appearance, whether in−person or through broadcast media, including the Internet.

(b) A service performed in the course of the production of any digital or analog recording of a moving or still image intended for public release or broadcast, including through the Internet.

History: 2011 a. 190; 2013 a. 165 s. 114; 2013 a. 356.

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

(a) A licensed barber.

(b) A licensed barbering manager.

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

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

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

(f) A licensed cosmetologist.

(g) A licensed cosmetology manager.

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

(i) A student in a cosmetology course of instruction.

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

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

History: 2011 a. 190; 2013 a. 165 s. 114.

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

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

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

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

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

(d) The applicant graduates from a course of instruction in barbering of at least 1,000 training hours in barbering in a school of barbering licensed under s. 440.62 (3) (ag) or accredited by an accrediting agency approved by the department, a school of cosmetology licensed under s. 440.62 (3) (ar) or accredited by an accrediting agency approved by the cosmetology examining board, or a school that is exempted under s. 440.61 or the applicant successfully completes an apprenticeship under s. 454.26.

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

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

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

(b) The person completes 4,000 hours of practice as a licensed barber or licensed cosmetologist under the supervision of a licensed barbering manager or licensed cosmetology manager or completes 2,000 hours of practice as a licensed barber or licensed cosmetologist and 150 training hours of theoretical instruction in barbering in a school of barbering licensed under s. 440.62 (3) (ag) or accredited by an accrediting agency approved by the department, a school of cosmetology licensed under s. 440.62 (3) (ar) or accredited by an accrediting agency approved by the cosmetology examining board, or a school that is exempted under s. 440.61.

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

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

(4) POSTING OF LICENSE CERTIFICATE. The department shall issue a certificate to each person licensed under sub. (2) or (3), certifying that the holder is a licensed barber or licensed barbering manager. The licensee shall post the certificate in a conspicuous place in the primary establishment where the licensee practices.

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

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

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

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

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

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

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

History: 2011 a. 190; 2013 a. 205, 356; 2015 a. 195.

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

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

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

History: 2011 a. 190; 2013 a. 114.

454.245 Department approval of accrediting agencies. The department shall identify by rule the accrediting agencies it approves to accredit schools for the purpose of satisfying educational requirements for an initial license or a license renewal under this subchapter.

History: 2013 a. 356.

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

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

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

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

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

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

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

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

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

History: 2011 a. 190.

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

(2) An apprentice in barbering shall receive at least 1,712 hours of practical training in barbering and at least 288 training hours of instruction in barbering in a school of barbering licensed under s. 440.62 (3) (ag) or accredited by an accrediting agency approved by the department, a school of cosmetology licensed under s. 440.62 (3) (ar) or accredited by an accrediting agency approved by the cosmetology examining board, or a school that is exempted under s. 440.61 in order to complete the apprenticeship program and be eligible to take the examination for a barber license. An apprentice in barbering shall receive training in barbering for a total of at least 32 hours per week. The training shall be completed in not more than 4 years.

(3) (a) An apprentice in barbering may not practice barbering except under the supervision of a licensed barbering manager or licensed cosmetology manager or under the supervision of a licensed barber or licensed cosmetologist to whom supervisory authority has been delegated by a licensed barbering manager or licensed cosmetology manager. A licensed barbering manager or licensed cosmetology manager may only delegate supervisory authority to a licensed barber or licensed cosmetologist who has completed at least 2,000 hours of practice as a licensed barber or licensed cosmetologist.

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

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

History: 2011 a. 190; 2013 a. 205, 356; 2015 a. 195.

454.265 Continuing education. (1) The department shall promulgate rules that establish continuing education requirements for licensed barbers.

(2) The rules under sub. (1) may not require any of the following:

(a) That a licensed barber complete more than 4 training hours of instruction in barbering every 2 years before the licensed barber has completed 8 years of practice as a licensed barber.

(b) That a licensed barber complete any continuing education requirements after the licensed barber has completed 8 years of practice as a licensed barber.

(c) That a licensed barber attend continuing education in a classroom or complete other on−site instruction or training as a part of the licensed barber's continuing education.

History: 2011 a. 190.

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

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

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

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

History: 2011 a. 190.

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

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

History: 2011 a. 190.

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

History: 2011 a. 190.

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

History: 2011 a. 190.

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

(2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter, the department may revoke, limit, suspend, or refuse to issue or renew, in accordance with the severity of the violation, a license or temporary permit granted under this subchapter or reprimand the holder of a license or temporary permit granted under this subchapter if the department finds that the holder or applicant has done any of the following:

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

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

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

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

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

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

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

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

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

(3) The department may, in addition to or in lieu of a reprimand or revocation, limitation, suspension, or denial of a license or temporary permit, assess against a person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not more than $1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

History: 2011 a. 190.

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

History: 2011 a. 190.