



December 5, 2023

TO: Assembly Committee on Jobs, Economy and Small Business Development

FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services

RE: CR 23-055 Relating to barbering licensure, continuing education and practice outside of a licensed establishment.

Chairperson Gundrum and members,

Thank you for the opportunity to submit this testimony on CR 23-055 relating to barbering licensure, continuing education, and practice outside of a licensed establishment.

In 2017, the legislature passed Senate Bills 108 and 109 and which were enacted into law as 2017 Wisconsin Acts 81 and 82.

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

The attached Digest, required by 2017 Wisconsin Act 81 was published on the Department website in December of 2017. Since enactment, persons applying for renewal have been obligated to attest to having reviewed the Digest for their credential to be renewed.

The occupation websites for Barbering and Cosmetology were edited to reference the Act, provide course approval requests direction, and provide applicants with approved one-hour course information.

Wisconsin Act 82 eliminated the barbering manager license and allowed for the practice of barbering outside of a licensed establishment under certain circumstances. The Act also eliminated the requirement that an individual providing practical instruction in barbering hold a barbering or cosmetology instructor license; the requirement now only reflects the instructor be licensed as a barber or cosmetologist.

Persons who seek information about Cosmetology or Barbering Manager credentials are provided links to 2017 Wisconsin Acts 81 and 82. They are informed the credentials were eliminated and provided contact information in the event they had questions.

Approval of CR 23-055 will simply allow SPS 50, SPS 60, and SPS 65 to be updated and brought into alignment with statute and the reflect the policies, procedures, and practice of the Department under 2017 Wisconsin Acts 81 and 82. Thank you for your consideration of CR 23-055.

Cosmetology Digest



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Statutory Changes to Cosmetology and Barbering During the 2017-19 Biennium

For your reference, [here](#) is a link to all Wisconsin Statutes and Administrative Codes regarding the practice of Cosmetology and Barbering. Below are updates from the current biennium.

2017 Wisconsin Act 81 made the following changes to licensure for barbering, cosmetology, aesthetics, electrology, and manicuring. Act 81 applies to applications for licensure received on November 29, 2017 or after.

Continuing Education (CE)

- Eliminated the authority of the Cosmetology Examining Board ("the Board") and the Department of Safety and Professional Services (DSPS) to impose CE requirements as a condition of license renewal for licensed barbers, cosmetologists, aestheticians, electrologists, and manicurists.
- Allows the Board and DSPS to require continuing education for a licensee as a part of the disciplinary process to ensure competency.

Digest Requirement

- Requires DSPS to send to each licensee, by electronic mail at the time notice of license renewal is given, a digest that describes changes to statutes and rules that affect the practice of barbering, cosmetology, aesthetics, manicuring, or electrology.
- DSPS must make the digest available on its website.
- A license for barbering, cosmetology, aesthetics, electrology, or manicuring may not be renewed unless the person certifies that he or she has reviewed the current digest.

Reciprocal Licensure

- Eliminated the requirement that an applicant have at least 4,000 hours of experience in licensed practice in order to receive a reciprocal license and instead requires that an applicant complete a one-hour course educating the applicant on statutes and rules that apply to the practice of barbering, cosmetology, aesthetics, electrology, or manicuring.
- The Board or DSPS may issue a reciprocal license if the applicant completes the one-hour course, has never been disciplined by the licensing authority of another jurisdiction, and is not a party to a proceeding before the licensing agency.

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2017 Wisconsin Act 82 made the following changes to licensure for barbering, cosmetology, aesthetics, electrology.

Instructor Certificate

- Allows a licensed barber, cosmetologist, aesthetician, electrologist, or manicurist to provide practical instruction in a licensed school without obtaining an instructor certificate.
- DSPS will continue to issue instructor certificates under the same criteria as above.
- No person may use a title that implies he or she is a Wisconsin certified instructor, or represent him or herself to be a certified instructor, unless the person is certified as an instructor.
- There is no renewal required for a Wisconsin certified instructor.

Manager License

- Eliminates the cosmetology manager and barbering manager licenses and instead requires an owner of a cosmetology establishment to employ at least one person as a manager who is a licensed cosmetologist and the owner of a barbering establishment to employ at least one person as a manager who is a licensed barber or cosmetologist.
- Managers must manage the establishment on a full-time basis and is responsible to ensure compliance with state law.
- On November 29, 2017, a licensed cosmetology manager becomes a licensed cosmetologist, and a licensed barbering manager becomes a licensed barber.

Practice Outside of a Licensed Establishment

- A person may practice barbering, cosmetology, aesthetics, or manicuring outside of a licensed establishment if all of the following apply:
 - 1) The person owns, manages, is employed by, or is affiliated with a licensed establishment.
 - 2) The person brings his or her license certificate, or a copy of it, to the location where barbering, cosmetology, aesthetics, or manicuring is practiced.
 - 3) The service provided by the person does not involve the use of a chemical process, except for the use of a chemical process in cutting or styling hair or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.
- Requires the licensing authority to promulgate rules related to practice outside of a licensed establishment.
- The licensing authority must promulgate rules permitting the practice of electrology outside of a licensed establishment.