

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Chapters Cos 1, 2, 3, and 4

Relating to: Mobile Establishments

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective of the proposed rule is to review requirements relating to cosmetology establishments and consider updating the rules to clarify how those requirements apply to mobile establishments.

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

Wisconsin Administrative Code Chapter Cos 3 covers requirements for cosmetology establishments. The rules are currently unclear whether mobile establishments are allowed. The Board has identified the need for a code update to clarify how those requirements apply to mobile establishments.

The alternative to making these updates is that it will remain unclear to regulators and to those in the profession whether mobile establishments are allowed.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., states that “[each examining board] [s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 454.08 (1) (ag) 1., Stats.: “The examining board shall promulgate rules permitting the practice of electrology outside of a licensed establishment.”

Section 454.08 (1) (ag) 2., Stats.: “The examining board shall promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment, except that the examining board may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair in the practice of cosmetology or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics in the practice of aesthetics.”

Section 454.08 (4), Stats., states that “[t]he 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.”

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

80 hours

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

Individuals and entities who hold cosmetology, aesthetics, manicuring, and electrology practitioner and establishment credentials, or are seeking such a credential.

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

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jake Pelegrin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-0989.

Approved for publication:

Approved for implementation:



Authorized Signature

Authorized Signature

03/25/2024

Date Submitted

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