



**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
April 28, 2025**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of January 27, 2025 (5-10)**
- C. Introductions, Announcements and Recognition**
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff, and Board Updates
 - 2. Board Members – Term Expiration Dates
 - a. Beckett, Dutch W.V. – 7/1/2027
 - b. Blake, Melissa K. – 7/1/2028
 - c. Cwojdzinski, Kayla M. – 7/1/2028
 - d. George, Fawn J. – 7/2/2027
 - e. Hoeppner, Ann M. – 7/1/2027
 - f. Jackson, Megan A. – 7/1/2027
 - g. McIntosh, Dana – 7/1/2027
 - h. Watkins, Alexis – 7/1/2027
- F. Administrative Rule Matters – Discussion and Consideration (11-47)**
 - 1. Final Rule Draft: Cos 1, 2, 3, and 4, Relating to Mobile Establishments **(12-22)**
 - 2. Scope Statements: Cos 1 to 4, Relating to Definitions and Establishment Requirements **(23-24)**
 - 3. Drafting Proposals: Cos 1, 2, 4, 5 and 6, Relating to Education and Approved Formal Training **(25-46)**
 - 4. Pending and Possible Rulemaking Projects **(47)**
- G. Legislative and Policy Matters – Discussion and Consideration**

H. DSPS Interdisciplinary Advisory Committee – Discussion and Consideration

I. Speaking, Engagement, Travel, or Public Relation Requests, and Reports – Discussion and Consideration

1. NIC 70th Annual Conference, October 17-20, 2025, in Phoenix, AZ

J. Deliberation on Items Added After Preparation of Agenda

1. Introductions, Announcements and Recognition
2. Election of Officers, Appointment of Liaison(s), Delegation of Authorities
3. Administrative Matters
4. Education and Examination Matters
5. Credentialing Matters
6. Practice Matters
7. Legislative and Policy Matters
8. Administrative Rule Matters
9. Liaison Reports
10. Public Health Emergencies
11. Board Liaison Training and Appointment of Mentors
12. Informational Items
13. Division of Legal Services and Compliance (DLSC) Matters
14. Presentations of Petitions for Summary Suspension
15. Petitions for Designation of Hearing Examiner
16. Presentation of Stipulations, Final Decisions and Orders
17. Presentation of Stipulations and Interim Orders
18. Presentation of Proposed Final Decision and Orders
19. Presentation of Interim Orders
20. Petitions for Re-Hearing
21. Petitions for Assessments
22. Petitions to Vacate Orders
23. Requests for Disciplinary Proceeding Presentations
24. Motions
25. Petitions
26. Appearances from Requests Received or Renewed
27. Speaking Engagement(s), Travel, or Public Relation Request(s)

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1. **Administrative Warnings**
 - a. 23 BAC 041 – P.M.N.S., S.T. (48-49)

2. Case Closings

- a. 23 BAC 103 – N.Y.N., B.H.N., T.V.L. **(50-55)**
- b. 23 BAC 106 – C.S.S., E.S. **(56-59)**
- c. 23 BAC 108 – N.M.H., E.H.S. **(60-63)**
- d. 24 COS 0030 – J.H., S.2.H.S. **(64-69)**

M. Deliberation on Proposed Final Decision and Orders

1. Nylamone Sisomphane, Respondent (DHA Case Number SPS-23-0088/ DLSC Case Number 22 BAC 042) **(70-80)**

N. Deliberation of Items Added After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. DLSC Matters
4. Monitoring Matters
5. Professional Assistance Procedure (PAP) Matters
6. Petitions for Summary Suspension
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulations, Final Decision(s) and Order(s)
9. Proposed Final Decision(s) and Order(s) of Default
10. Proposed Interim Orders
11. Administrative Warnings
12. Review of Administrative Warnings
13. Proposed Final Decisions and Orders
14. Orders Fixing Costs/Matters Related to Costs
15. Case Closings
16. Board Liaison Training
17. Petitions for Assessments and Evaluations
18. Petitions to Vacate Orders
19. Remedial Education Cases
20. Motions
21. Petitions for Re-hearings
22. Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

P. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: JULY 28, 2025

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
JANUARY 27, 2025**

PRESENT: Dutch Beckett, Melissa Blake, Kayla Cwojdzinski (*arrived at 9:45 a.m.*), Fawn George, Ann Hoepner, Megan Jackson, Dana McIntosh, Alexis Watkins

STAFF: Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Nilajah Hardin and Jacob Pelegrin, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff.

CALL TO ORDER

Megan Jackson, Chairperson, called the meeting to order at 9:32 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Ann Hoepner moved, seconded by Dana McIntosh, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 28, 2024

MOTION: Ann Hoepner moved, seconded by Fawn George, to approve the Minutes of October 28, 2024, as published. Motion carried unanimously.

Kayla Cwojdzinski arrived at 9:45 a.m.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Introduction & Welcome – DSPS Secretary Hereth

MOTION: Ann Hoepner moved, seconded by Alexis Watkins, to acknowledge and thank Secretary Hereth, for their appearance to the Board. Motion carried unanimously.

PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 101-24 ON COS 1, 2, 4, 5, AND 6, RELATING TO EDUCATION AND APPROVED FORMAL TRAINING

Review Preliminary Public Hearing Comments

MOTION: Ann Hoepner moved, seconded by Dutch Beckett, to affirm the Board has provided an opportunity to receive public comments concerning Scope Statement (SS) 101-24 on Cos 1, 2, 4, 5, and 6, Relating to Education and Approved Formal Training. Additionally, after consideration of all public comments and feedback the Board approves SS 101-24 for implementation. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Ann Hoepner nominated the 2024 slate of officers to continue in 2025. All officers accepted their nominations.

Will Johnson, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

| 2025 ELECTION RESULTS | |
|-----------------------|-------------------|
| Chairperson | Megan Jackson |
| Vice Chairperson | Kayla Cwojdzinski |
| Secretary | Ann Hoepner |

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS | |
|--|---|
| Credentialing Liaison(s) | Kayla Cwojdzinski <i>Alternate:</i> Dutch Beckett |
| Monitoring Liaison(s) | Dutch Beckett <i>Alternate:</i> Dana McIntosh |
| Professional Assistance Procedure (PAP) Liaison(s) | Kayla Cwojdzinski <i>Alternate:</i> Alexis Watkins |
| Education and Examinations Liaison(s) | Megan Jackson <i>Alternate:</i> Melissa Blake |
| Legislative Liaison(s) | Alexis Watkins <i>Alternate:</i> Ann Hoepner |
| Digest Liaison(s) | Melissa Blake <i>Alternate:</i> Fawn George |
| Travel Authorization Liaison(s) | Dutch Beckett <i>Alternate:</i> Melissa Blake |

| | |
|---|---|
| Screening Panel | Ann Hoepner, Kayla Cwojdzinski, Melissa Blake, Alexis Watkins <i>Alternate: Fawn George</i> |
| OTHER APPOINTMENTS | |
| Interdisciplinary Advisory Council | Alexis Watkins <i>Alternate: Dana McIntosh</i> |

Delegation of Authorities

Pre-Screening Delegation

MOTION: Dutch Beckett moved, seconded by Kayla Cwojdzinski, to delegate to the screening attorney the authority to immediately open cases that consist solely of any one of the following, or combination of the following: practice by an individual holding an expired license issued by the Board, practice by a licensed individual outside of an establishment with a valid license, practice by an establishment with an expired establishment license, and safety and sanitary violations that on their face warrant an inspection of an establishment. Motion carried unanimously.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: Ann Hoepner moved, seconded by Alexis Watkins, to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried unanimously.

Delegation to Handle Administrative Rule Matters

MOTION: Ann Hoepner moved, seconded by Fawn George, to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

Review and Approval of 2024 Delegations including new modifications

MOTION: Alexis Watkins moved, seconded by Megan Jackson, to reaffirm all delegation motions made in 2024, as reflected in the January 27, 2025, agenda materials, which were not otherwise modified or amended during the January 27, 2025, meeting. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Clearinghouse Report and Public Comments on Cos 1, 2, 3, and 4 Relating to Mobile Establishments

MOTION: Ann Hoepfner moved, seconded by Dutch Beckett, to designate Dana McIntosh to work with DSPS staff on drafting a definition for "Hazardous Substances" for the rule on Cos 1, 2, 3, and 4, relating to Mobile Establishments. Motion carried unanimously.

MOTION: Ann Hoepfner moved, seconded by Alexis Watkins, to authorize the Chairperson to work with DSPS staff on responding to the Clearinghouse Report and drafting the Final Rule and Legislative Report for Clearinghouse Rule 24-088 (Cos 1, 2, 3, and 4), Relating to Mobile Establishments. Motion carried unanimously.

CLOSED SESSION

MOTION: Dana McIntosh moved, seconded by Ann Hoepfner, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Megan Jackson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Dutch Beckett-yes; Melissa Blake-yes; Kayla Cwojdzinski-yes; Fawn George-yes, Ann Hoepfner-yes; Megan Jackson-yes; Dana McIntosh-yes; and Alexis Watkins-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:55 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to close the following DLSC Cases for the reasons outlined below:

1. 20 BAC 087 – N.K., N.L.N. – Prosecutorial Discretion (P5)
2. 21 BAC 026 – F.N., T.N. – Insufficient Evidence
3. 23 BAC 056 – P.N., P.O. – Prosecutorial Discretion (P2)
4. 23 BAC 129 – L.V., A.X. – Insufficient Evidence

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dutch Beckett moved, seconded by Fawn George, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:19 a.m.

DRAFT

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Dana McIntosh moved, seconded by Ann Hoeppepner, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Hoeppepner moved, seconded by Beckett, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:21 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

| | | | | | | | | | | | | | |
|--|---|---|--|--------------------------|--|--|----------|--|---------------------|---|---------------------|---|--|
| 1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator | | 2) Date when request submitted: 04/16/25 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | | | | | | | | | | | |
| 3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board | | | | | | | | | | | | | |
| 4) Meeting Date: 04/28/25 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration <ol style="list-style-type: none"> 1. Final Rule Draft: Cos 1, 2, 3, and 4, Relating to Mobile Establishments 2. Scope Statements: Cos 1 to 4, Relating to Definitions and Establishment Requirements 3. Drafting Proposals: Cos 1, 2, 4, 5 and 6, Relating to Education and Approved Formal Training 4. Pending or Possible Rulemaking Projects | | | | | | | | | | | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | | | | | | | | | | | |
| 10) Describe the issue and action that should be addressed: Attachments: -Legislative Report, Final Rule, EIA - Cos 1, 2, 3, and 4 -Scope Statement – Cos 1 to 4 -Scope Statement and Redlined Code Text – Cos 1, 2, 4, 5, 6 -Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx | | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">11) Authorization</td> <td style="width: 40%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;">04/16/25</td> </tr> <tr> <td style="text-align: right;"><small>Signature of person making this request</small></td> <td style="text-align: right;"><small>Date</small></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> <small>Supervisor (if required)</small></td> <td style="border-bottom: 1px solid black; text-align: right;"><small>Date</small></td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"> <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</small> </td> </tr> </table> | | | | 11) Authorization | | | 04/16/25 | <small>Signature of person making this request</small> | <small>Date</small> | <small>Supervisor (if required)</small> | <small>Date</small> | <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</small> | |
| 11) Authorization | | | | | | | | | | | | | |
| | 04/16/25 | | | | | | | | | | | | |
| <small>Signature of person making this request</small> | <small>Date</small> | | | | | | | | | | | | |
| <small>Supervisor (if required)</small> | <small>Date</small> | | | | | | | | | | | | |
| <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</small> | | | | | | | | | | | | | |
| Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | | | | | | | | | | | |

**STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD**

| | | |
|------------------------------------|----------|----------------------------------|
| IN THE MATTER OF RULEMAKING | : | |
| PROCEEDINGS BEFORE THE | : | REPORT TO THE LEGISLATURE |
| COSMETOLOGY EXAMINING | : | CR 24-088 |
| BOARD | : | |

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically. The mobile establishment's name must be displayed on the vehicle or structure. Services may not be provided unless the mobile establishment is parked, with the engine off, stable, and level. All services must be provided inside the interior of the vehicle or structure. Additional information and photographs are needed to apply for a license for a mobile establishment.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Cosmetology Examining Board held a public hearing on January 27, 2025. No public comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1c: "Consider whether s. 454.08 (3), Stats., should be added as statutory authority"

Response: The Board rejects this comment and would like to note that this citation was added to "Statutes Interpreted," not to "Statutory Authority" because there is no rule promulgation authority included here.

Comment 2d: “In SECTION 2 of the proposed rule, consider designating the provision as something other than “(2)”, because “3.01 (2)” has existed previously, albeit in a predecessor to the current Cos chapter. [s. 1.10 (3) (a), Manual.] Consider, instead, placing the mobile establishment requirements to follow sub. (14), and to begin with an introduction such as, “If the establishment is a mobile establishment, the establishment is also subject to all of the following requirements.”.”

Response: The Board accepts this comment and would like to note that while it agrees that s. Cos 3.01 (15) should be created, the introduction language of the section is as the Board would like it to be. The Board wants to emphasize here that mobile establishments must be licensed as establishments under the requirements of this chapter.

Comment 3a: “Consider whether it is necessary to state the material in proposed s. Cos 3.01 (2) (a), as a mobile establishment is a licensed establishment, and the requirements would apply to any licensed establishment.”

Response: The Board rejects this comment and would like to note that the language is written the way it is to emphasize that mobile establishments are subject to the same as all establishments currently in the code.

Comment 5b(1): “Consider revising “an establishment” to “a licensed establishment”.”

Response: The Board rejects this comment and would like to note that in this instance the definition of “an establishment” is not dealing with regulations or licensing, just simply what a mobile establishment is. It mirrors the definitions of establishment in s. 454.01 (10), Stats.

Comment 5b(2): “Consider also defining the terms used in that definition. This includes defining the terms “aesthetics”, “cosmetology”, “electrology”, “establishment”, and “manicuring””

Response: The Board rejects this comment and would like to note that none of these terms are currently defined in the code. The Board is looking into opening a new Scope Statement to address definitions and some other requirements for establishments and may take up these terms at that time.

Comment 5c: “In SECTION 2, s. Cos 3.01 (2) (intro.), in the first sentence, consider removing the phrase “the requirements of”. Alternatively, the first sentence could be removed entirely, as it is duplicative of the requirements in current s. Cos 3.01 (1). See, also, the earlier comments regarding this provision.”

Response: The Board rejects this comment and would like to note that the language is written the way it is to emphasize that mobile establishments must be licensed as establishments under the requirements of this chapter.

Comment 5d: “In SECTION 2, if s. Cos 3.01 (2) (a) is retained, consider revising the phrase “including requirements related” to the phrase “relating to””

Response: The Board rejects this comment and would like to note that the word “including” was used to make sure that all of the regulations in chs. Cos 3 and 4 will apply, not just those in the 4 topics listed.

Comment 5f: “In SECTIONS 4 and 5, it is not clear how the “except” clause functions. What is intended to be excepted by sub. (2m)? Do the two addresses required in sub. (2m) replace the business address required in sub. (2)? If so, that should be specified. Does any other information required in sub. (2m) replace information required in sub. (2)? If so, that should be specified. If a mobile establishment must comply with both subs. (2) and (2m), consider removing the “except” clause and restructuring sub. (2m) to something like, “In addition to the requirements of sub. (2), ...”.”

Response: The Board accepts this comment and would like to note that the decision was made to repeal and recreate Cos 3.04 (2) with different language instead of amending it and creating a new subsection (2m).

Comment 5g: “In SECTION 5, consider drafting s. Cos 3.04 (2m) in the same style as sub. (2), such as “The board shall require...”.”

Response: The Board accepts this comment and would like to note that the decision was made to repeal and recreate Cos 3.04 (2) with different language instead of amending it and creating a new subsection (2m).

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

| | | |
|-----------------------------|---|-----------------------------|
| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | COSMETOLOGY |
| COSMETOLOGY | : | EXAMINING BOARD |
| EXAMINING BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE 24-088) |

PROPOSED ORDER

An order of the Cosmetology Examining Board to create Cos 1.01 (7r) and (11t), 3.01 (15), and 4.11; to amend Cos 3.01 (11) and 3.06 (2); and repeal and recreate Cos 3.04 (2), relating to Mobile Establishments.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 454.08 (2), (3) and (4), Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), 454.08 (3), and 454.08 (4), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides 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., provides that “[e]ach 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 (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.”

Related statute or rule: None.

Plain language analysis:

The proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment

are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically. The mobile establishment's name must be displayed on the vehicle or structure. Services may not be provided unless the mobile establishment is parked, with the engine off, stable, and level. All services must be provided inside the interior of the vehicle or structure. Additional information and photographs are needed to apply for a license for a mobile establishment.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation allow for mobile establishments in Illinois [68 Ill. Adm. Code 1175.1300]. Cosmetology, nail technology, hair braiding or esthetics salons and barber shops are allowed to be in the form of a mobile salon or shop, and are subject to the same regulations as those in buildings.

Iowa: Iowa statute allows for mobile cosmetology establishments [Chapter 157, Iowa Code]. "Establishment" is defined as a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment. All establishments are subject to the same regulations for licensure, safety, and sanitation. Rules of Iowa's Public Health Department, Professional Licensure Division further specify licensing and sanitation requirements [645 IAC 61].

Michigan: Michigan statutes allow for mobile salons and the performance of cosmetology services in mobile salons [MCL 339.1203]. Rules of the Michigan Department of Licensing and Regulatory Affairs require an establishment license for mobile salons in the same way as those in a building [Mich Admin Code, R 338.2126a]. One additional application requirement for mobile salons is that they provide photographs demonstrating compliance with safety and sanitation requirements upon application for an establishment license.

Minnesota: Minnesota statutes allow for mobile salons to provide cosmetology services [Minnesota Statutes, Chapter 155A.29]. They are subject to the same minimum requirements as other salons in Minnesota. Minnesota rules provide for further regulations on mobile salons [Minnesota Rules, Chapter 2105.0395]. They specify that a license can only apply to one vehicle or mobile structure and cannot be transferred. All services must be provided inside the interior of the vehicle or structure. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms. The mobile salon must have a self-contained, potable water supply in holding tanks, a wastewater tank or gray water tank, and a restroom. Services may not be provided unless the mobile salon is parked with the engine off, stable, and leveled. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

Summary of factual data and analytical methodologies:

The proposed rules were developed by the board conducting a review of the provisions of chs. Cos 1, 2, 3, and 4, reviewing regulations on mobile establishments from other states, and determining how best to regulate mobile establishments in Wisconsin.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov or phone at 608-266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, scheduled for January 27, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 1.01 (7r) and (11t) are created to read:

Cos 1.01 (7r) “Hazardous substances” has the meaning given in s. 299.01 (6), Stats.

Note: Section 299.01 (6), Stats., reads as follows: “‘Hazardous substance’ means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department.”

(11t) “Mobile establishment” means an establishment providing cosmetology, aesthetics, electrology, or manicuring services located in a mobile vehicle or mobile structure and, where applicable, any tow vehicle attached to the mobile establishment.

SECTION 2. Cos 3.01 (11) is amended to read:

Cos 3.01 (11) Where an establishment is located in the same building as a residence, the business and living quarters shall be separate. A mobile establishment may not be located in a vehicle or mobile structure that also contains a residence.

SECTION 3. Cos 3.01 (15) is created to read:

Cos 3.01 (15) A mobile establishment shall be licensed as an establishment under the requirements of this chapter. A mobile establishment is subject to all of the following requirements:

- (a)** The establishment shall meet the requirements of this chapter and ch. Cos 4, including requirements related to establishments, inspections, sanitation, and safety. All services provided through a mobile establishment shall meet the standards of practice and professional conduct under ch. Cos 2.
- (b)** A mobile establishment license is valid for a specific vehicle or mobile structure and may not be transferred to a different vehicle or mobile structure.
- (c)** The mobile establishment’s name as shown on the license shall be visibly displayed and clearly legible on at least one exterior side of the mobile establishment.

SECTION 4. Cos 3.04 (2) is repealed and recreated to read:

Cos 3.04 (2) The application required under sub. (1) shall include all of the following:

- (a)** The identity of the owner,
- (b)** A mailing address where board correspondence may be received.
- (c)** The physical address of the establishment, or, for a mobile establishment, the physical address where the mobile establishment is parked when not in service.
- (d)** The name of the cosmetology manager.
- (e)** The type of business.
- (f)** A copy of the floor plan showing dimensions and required equipment.
- (g)** For a mobile establishment, a description of the vehicle or mobile structure to be used as the mobile establishment, photographs of the interior and exterior, and the vehicle registration of the mobile establishment.
- (h)** Any other information which may be needed to approve the issuance of a license.

SECTION 5. Cos 3.06 (2) is amended to read:

Cos 3.06 (2) Change of location of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license. ~~Relocation~~ A change to the parking location or mailing address of a mobile establishment

or the relocation of a leased chair or booth which is licensed as an establishment and housed within a lessor establishment requires only written notification to the department identifying the change of parking location, mailing address, chair, or booth.

SECTION 6. Cos 4.11 is created to read:

Cos 4.11 Mobile Establishments. In addition to the requirements of this chapter, a mobile establishment shall comply with the following requirements:

- (1) Services shall not be provided unless a mobile establishment is parked, with the engine off, stable, and level.
- (2) All services shall be provided inside the interior of the vehicle or structure.
- (3) Carpeting is permitted only within driving or cab areas.
- (4) All hazardous substances in a mobile establishment shall be stored upright in secured cabinets when the mobile establishment is moving. Regulations in s. Cos 3.01 (6) also apply to a mobile establishment.
- (5) All moving parts, including slide outs and steps, shall be in good working order.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Cosmetology Examining Board is approved for submission to the Governor and Legislature.

Dated _____ Agency _____
Chairperson
Cosmetology Examining Board

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

| | | | | | | | | | |
|---|---|--|--|--|---|---|---|--|--|
| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date November 1, 2024 | | | | | | | | |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Cos 1, 3, and 4 | | | | | | | | | |
| 4. Subject Mobile Establishments | | | | | | | | | |
| 5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | 6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1)(hg) | | | | | | | | |
| 7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table> | | <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs | <input type="checkbox"/> Decrease Costs | <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget | |
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs | <input type="checkbox"/> Decrease Costs | | | | | | |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget | | | | | | | |
| 8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table> | | <input type="checkbox"/> State's Economy | <input type="checkbox"/> Specific Businesses/Sectors | <input type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers | <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A) | | | |
| <input type="checkbox"/> State's Economy | <input type="checkbox"/> Specific Businesses/Sectors | | | | | | | | |
| <input type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers | | | | | | | | |
| <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A) | | | | | | | | | |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0 | | | | | | | | | |
| 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | |
| 11. Policy Problem Addressed by the Rule The proposed rule creates new regulations to allow mobile cosmetology establishments in the state of Wisconsin. It creates a definition for mobile establishments and specifies that mobile establishments are held to the same standards of licensing, inspections, sanitation, and safety as fixed establishments. All services provided through a mobile establishment are held to the same standards of practice and professional conduct in chapter Cos 2. It also sets additional regulations for mobile establishments specifically. | | | | | | | | | |
| 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule will be posted to the public for Economic Impact Analysis comments as required, and will be subject to an official public hearing, along with other steps of the rule process. | | | | | | | | | |
| 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. | | | | | | | | | |
| 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$11,100.00 in one-time costs and 14,000.00 in ongoing costs for implementing this rule. The one-time staff costs support 0.3 limited term employee to undertake tasks such as updating applications, testing, training, rules drafting, system updates. The ongoing costs support 0.1 full time equivalents for renewals, system updates, and training. | | | | | | | | | |
| 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of this rule is that cosmetology practitioners will have more options, flexibility, and more ability to practice. They will be allowed to run a business without needing to have a physical building to practice in. It will help grow the cosmetology industry and help the state's economy. If the rule does not go forward, the current status quo will remain and these opportunities will be missed. | | | | | | | | | |

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is that it will help grow the cosmetology industry and help the state's economy.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation allow for mobile establishments in Illinois [68 Ill. Adm. Code 1175.1300]. Cosmetology, nail technology, hair braiding or esthetics salons and barber shops are allowed to be in the form of a mobile salon or shop, and are subject to the same regulations as those in buildings.

Iowa:

Iowa statute allows for mobile cosmetology establishments [Chapter 157, Iowa Code]. "Establishment" is defined as a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment. All establishments are subject to the same regulations for licensure, safety, and sanitation. Rules of Iowa's Public Health Department, Professional Licensure Division further specify licensing and sanitation requirements [645 IAC 61].

Michigan:

Michigan statutes allow for mobile salons and the performance of cosmetology services in mobile salons [MCL 339.1203]. Rules of the Michigan Department of Licensing and Regulatory Affairs require an establishment license for mobile salons in the same way as those in a building [Mich Admin Code, R 338.2126a]. One additional application requirement for mobile salons is that they provide photographs demonstrating compliance with safety and sanitation requirements upon application for an establishment license.

Minnesota:

Minnesota statutes allow for mobile salons to provide cosmetology services [Minnesota Statutes, Chapter 155A.29]. They are subject to the same minimum requirements as other salons in Minnesota. Minnesota rules provide for further regulations on mobile salons [Minnesota Rules, Chapter 2105.0395]. They specify that a license can only apply to one vehicle or mobile structure and cannot be transferred. All services must be provided inside the interior of the vehicle or structure. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms. The mobile salon must have a self-contained, potable water supply in holding tanks, a wastewater tank or gray water tank, and a restroom. Services may not be provided unless the mobile salon is parked with the engine off, stable, and leveled. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

19. Contact Name

Jake Pelegrin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-0989

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Cos 1 to 4

Relating to: Definitions and Establishment Requirements

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 existing definitions and requirements surrounding safe practice in cosmetology establishments and potentially make updates or changes to align with current practice in the profession.

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 Chapters Cos 1 to 4 currently cover definitions and various requirements for cosmetology establishments. The Board has identified the need to update some of the definitions and other requirements relating to safety after working on a recent project on Mobile Establishments under CR 24-088.

The alternative to making these updates is that the Wisconsin Administrative Code will continue to be ambiguous and outdated regarding safe practice and definitions for cosmetology establishments.

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 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. The examining board may not promulgate a rule requiring the use of a tuberculocidal disinfectant by a barber or cosmetologist in an establishment licensed under this section.”

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: Nilajah Hardin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-7129.

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATEMENT OF SCOPE

COSMETOLOGY EXAMINING BOARD

Rule No.: Chapters Cos 1, 2, 4, 5, and 6

Relating to: Education and Approved Formal Training

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 for the Board to conduct a review of the requirements relating to education and approved formal training in Wisconsin Administrative Code Chapters Cos 1, 2, 4, 5 and 6.

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 Chapters Cos 2, 4, 5 and 6 cover requirements for practice and professional conduct, sanitation and safety, courses of instruction, and apprenticeship procedures and standards. Chapter Cos 1 covers definitions. The Board has identified the need to clarify its rules to ensure that they are clear, consistent with current professional and academic practices and standards, and that they comply with applicable Wisconsin statutes. Specifically, the Board has identified a need to update education and formal training requirements to achieve these goals.

The alternative to making these updates is that license, education, and training requirements will continue to be inconsistently interpreted by those currently within and interested in entering the profession.

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 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.075, Stats., states that “[t]he 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.”

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:

Wisconsin licensed cosmetologists, aestheticians, electrologists, and manicurists; sponsors and providers of training, initial, and continuing education related to those credentials; and those looking to enter those professions.

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:



Authorized Signature

08/30/2024

Date Submitted

Approved for implementation:



Authorized Signature

02/12/2025

Date Submitted

Chapter Cos 1

DEFINITIONS

Cos 1.01 Definitions.

Note: Chapter BC 1 was renumbered ch. Cos 1 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 1.01 Definitions. For the purposes of chs. Cos 1 to 10:

(1) "Antiseptic" means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

(1v) "Board" means the cosmetology examining board.

(2) "Chemical relaxing" means the process of straightening hair by use of chemical agents.

(2m) "Chemical waving" means a system of permanent waving employing chemicals rather than heat.

(3) "Contagious" means capable of being transmitted by direct or indirect contact.

(3e) "Cosmetologist" has the meaning given in s. 454.01 (7e), Stats.

(3g) "Credential" means a license, permit or certificate or certification of registration that is issued under ch. 454, Stats.

(3r) "Cutting," as used at s. 454.01 (13), Stats., means exclusively the cutting of human nails, cuticles and calluses, and does not refer to any other invasive procedure.

(4) "Department" means the department of safety and professional services.

(6) "Disinfectant" means a chemical or product that destroys disease-causing bacteria.

Note: Examples of disinfectants are: 1. A solution of household bleach (5 ¼ percent sodium hypochlorite) and water containing at least 500 parts per million (ppm) available chlorine (1:100 dilution, or 2 teaspoons of household bleach per quart of water made fresh each day prior to use); 2. A solution of at least 70% isopropyl alcohol; 3. A solution using a phenolic germicidal such as Lysol (brown bottle); 4. A solution using an iodophor germicidal agent such as iodine or Betadyne; and 5. A solution using a quaternary ammonium germicide agent such as Lysol (spray) or Barbicide Plus.

(6e) "Disinfection" means application of a disinfectant following thorough cleaning of the utensil.

(6m) "Division" means the division of legal services and compliance in the department of safety and professional services.

(6s) "Exfoliation" means the process whereby the superficial epidermal cells are removed from the skin.

(7) "Full time" means work which is performed for 30 hours per week or the maximum number of hours an establishment is open if the establishment is open less than 30 hours per week.

(7m) "General supervision" means the supervising physician is available for direct communication, either in person or by telephone, radio, radiotelephone, television or similar means and is physically located within 120 miles of the licensee.

(8) "Infectious" means capable of being transmitted, with or without contact.

(9) "Laser" means light amplification by the stimulated emission of radiation.

Cos 1,2,4,5,6 – Education and Approved Formal Training
Redlined Code Text

(10) "Licensee" means a person who holds a license, permit, certificate or registration issued by the board or who has the right to renew a license, permit, certificate or registration issued by the board.

(11g) "Massaging," as used at s. 454.01 (2) and (13), Stats., means massage for cosmetic rather than therapeutic purposes.

(11n) "Mechanical exfoliation" means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques or drying preparations that are rubbed off, and microdermabrasion.

(11r) "Microdermabrasion" means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a mechanical closed loop vacuum system.

(11w) "Nail enhancement" means any material other than nail polish which is added to the fingernail or toenail generated by the person's own body, or which is used to enhance the fingernail or toenail of a person.

(12) "Owner" means the person who holds an establishment license or right to renew an establishment license.

(13) "Patron" means a person to whom services from a cosmetologist, aesthetician, electrologist or manicurist are provided for compensation.

(13m) "Personal care services" means shampooing, setting, combing, brushing, cutting, chemical waving, chemical relaxing, bleaching or coloring the hair. "Personal care services" also includes electrology, manicuring and aesthetic services.

(13t) "Physician" means a person licensed in Wisconsin to practice medicine and surgery.

(14) "Practitioner" means a person who holds a current license to practice cosmetology issued under s. 454.06 (2), Stats.

(14m) "Sterilization" means a process which destroys all forms of microbial life, including spores.

(15) "Supervision" means regular, on-premise coordination, direction and inspection of the practice of another.

(16) "Training permit holder" means a person who holds a current training permit issued pursuant to s. 454.06 (9), Stats.

Note: Immersion of the object to be disinfected in a solution of household bleach (5 ¼ percent sodium hypochlorite diluted to 2 teaspoons per quart of water).

Chapter Cos 2

PRACTICE AND PROFESSIONAL CONDUCT

| | |
|-----------|--|
| Cos 2.01 | Definitions. |
| Cos 2.02 | Treatments prohibited, infectious and contagious diseases. |
| Cos 2.025 | Delegated medical procedures. |
| Cos 2.03 | Practice standards. |
| Cos 2.04 | Unauthorized practice. |
| Cos 2.045 | Personal care services for persons in hospitals, nursing homes, and correctional institutions. |
| Cos 2.046 | Personal care services outside of a licensed establishment generally. |
| Cos 2.05 | Advertising. |
| Cos 2.06 | Responsibilities of owners. |
| Cos 2.07 | Responsibilities of the cosmetology manager. |
| Cos 2.08 | Responsibilities of licensees. |
| Cos 2.09 | Continuing education. |

Note: Chapter BC 2 was renumbered ch. Cos 2 under s. 13.92 (4) (b) 1., Stats., Register
February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers,
and barbering establishments.

Cos 2.01 Definitions. For the purposes of this chapter:

- (1) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.
- (2) “Dermaplaning,” also referred to as dermablading, means a skin resurfacing procedure that uses a scalpel and blade held at a 45-degree angle to the skin to remove hair and some of the stratum corneum.
- (3) “Impact” means to touch, change, alter, modify, or transform.
- (4) “Microblading” means a permanent makeup technique in which a handheld tool made of several tiny needles is used to cut into the skin in fine, short strokes to insert pigment to change its appearance.
- (5) “Microneedling,” also referred to as collagen induction therapy, means a cosmetic procedure that involves repeatedly puncturing the skin with tiny sterile needles in a single use cartridge. The needle depth of the single use cartridge may be adjusted by the operator and is attached to a power-operated device that moves the needle up and down at a rapid pace.
- (6) “Stratum corneum,” also referred to as the horny layer of the skin, means the outermost layer of the epidermis, usually made up of 10-30 layers of corneocytes or dead cells.

Cos 2.02 Treatments prohibited, infectious and contagious diseases. (1) No licensee may treat any disease of the skin unless under the direction of a physician.

(1m) No licensee may diagnose any disease of the skin.

(2) No licensee may provide services to a patron suffering from an infectious or contagious scalp or skin disease unless the licensee takes appropriate precautions and uses safeguards to prevent the spread of the disease to other patrons and to the licensee.

(3) No licensee, having a known infectious or contagious disease, may provide a service to a patron if the licensee is, by reason of the disease, unable to safely and competently perform the service.

(4) No licensee may provide services to a patron if the licensee has a known infectious or contagious disease unless the licensee takes appropriate precautions and uses safeguards which prevent the spread of the disease to patrons.

Cos 2.025 Delegated medical procedures. (1) Licensees may provide client services constituting medical procedures only as directed, supervised and inspected by a physician who has the power to direct, decide and oversee the implementation of the client services provided in licensed establishments.

(2) Delegated medical procedures include the following:

- (a) Laser hair removal services.
- (b) Microdermabrasion services, except as specified under sub. (2r).
- (c) Chemical exfoliation, except for application of commercially available exfoliation products utilized in accordance with the manufacturers' instructions, limited to the following:
 - 1. Alpha hydroxyl acids of 30% or less, with a ph of not less than 2.0.
 - 2. Salicylic acids of 20% or less, with a ph of not less than 2.0.
- (d) Microneedling.
- (e) Any treatment impacting a skin layer below the stratum corneum.

(2m) The following are delegated medical procedures unless the licensee has received formal training in the procedure as part of a board-approved curriculum and the treatment, as performed, does not impact a skin layer below the stratum corneum:

- (a) Dermaplaning, when performed by an aesthetician licensed under s. 454.06 (4), Stats.
- (b) Eyelash or eyebrow tinting.
- (c) Microblading.
- (d) Utilization of electromagnetic radiation and electric current.
- (e) Utilization of thermal energy.

(2r) A licensee may utilize microdermabrasion devices in his or her practice without medical supervision if all of the following conditions are met:

- (a) The device shall be of an aesthetic grade and not labeled as a prescription device by the United States Food and Drug Administration. Only FDA approved Class I machines may be used pursuant to this subsection.
- (b) The device utilizes a closed loop negative pressure system that incorporates a tissue retention device.
- (c) The normal and customary use of the device results in the removal of only the surface epidermal cells of the skin.
- (d) Eye protection is provided to the client and protective gloves are worn by the operator.
- (e) Microdermabrasion services are not provided within 48 hours before or after a chemical exfoliation.
- (f) The licensee has performed a pretreatment assessment on the client and reviewed the results with the client.
- (g) The client has given written consent prior to the administration of the services. The consent shall contain all of the following:
 - 1. A statement setting forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable.
 - 2. A statement that acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

Commented [NH1]: Add training requirements to Cos 4 for these areas?

3. The signature of the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client.

(3) Delegated medical procedures shall be undertaken only pursuant to formal written protocols setting forth the nature and scope of the procedures delegated, describing the supervisory plan, and indicating any contraindications to undertaking the procedure. A laser hair removal product or device, or intense pulsed light device shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

(4) A licensee providing client services constituting delegated medical procedures shall upon request make available to the client and to the board a copy of the formal written protocols.

(5) Should a client service constituting a delegated medical procedure be contraindicated based either upon the written protocol or some other basis, the licensee shall decline to carry out the procedure and shall explain to the client the basis for the licensee's inability to provide the service.

(6) A licensee providing client services constituting delegated medical procedures in a licensed establishment shall post in a conspicuous location in the immediate area where the procedure is carried out the name of the delegating physician and the nature and scope of the procedures delegated.

Cos 2.03 Practice standards. (1) Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

(2) Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.

(3) Licensees shall provide services to the best of their ability and make reasonable efforts to comply with requests in a manner that is satisfactory to a patron. Licensees shall not provide services to a patron without first obtaining the consent of the patron or legal guardian of the patron.

(4) Licensees may neither consume alcohol nor take controlled substances during practice, unless prescribed by a physician.

(5) Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services. Licensees shall not smoke while performing personal services on a patron.

(7) Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employee, employer, or co-worker. In this section, "sexual harassment" and "sexual assault" have the meanings defined in ss. 111.32 (13), 940.225 (1), (2), (3) and (3m) and 948.02 (1) and (2), Stats.

Note: Section 111.32 (13) defines sexual harassment as "...unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment."

(8) A licensee may not provide the following services unless both the licensee and the establishment are properly licensed by the department of safety and professional services:

- (a) Body piercing, except for piercing of ears.
- (b) Tattooing, including permanent cosmetics.
- (c) Operation of a tanning booth.

Note: Body piercers, body piercing establishments, tattooists and tattoo establishments are regulated by the Department of Safety and Professional Services under ch. SPS 221, Wis. Adm. Code. Tanning facilities and tanning facility operators are regulated by the Department of Safety and Professional Services under ch. SPS 220, Wis. Adm. Code.

(9) Licensees may not use methyl methacrylate monomer, commonly referred to as MMA in liquid form, and may not use any cosmetic or nail product formulated with MMA as one of its ingredients.

Cos 2.04 Unauthorized practice. (1) Licensees may not assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrolysis or manicuring.

(2) Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. Cos 1 to 10.

Cos 2.045 Personal care services for persons in hospitals, nursing homes, and correctional institutions. A licensee may provide any personal care services, subject to all practice standards set forth in this chapter, to persons who are in hospitals, nursing homes, or correctional institutions, regardless of whether it is done in a designated area or in the personal room of an inmate, patient, or infirm person.

Cos 2.046 Personal care services outside of a licensed establishment generally. Other than personal care services provided under s. Cos 2.045, an appropriately credentialed licensee may provide services outside of a licensed establishment as follows:

(1) Aesthetics, cosmetology, and manicuring services may be provided outside of a licensed establishment if all the following are true:

- (a) The licensee owns, manages, is employed by, or affiliated with an establishment that is licensed to provide services under s. 454.08 (2), Stats.
- (b) The licensee brings to the outside service location their active license certificate, or a copy, provided to them under s. 454.06 (7), Stats.
- (c) The licensee complies with all practice standards provided in this chapter when providing personal care services outside of a licensed establishment.
- (d) The licensee complies with all sanitation and safety precautions regarding the use of chemical processes provided in ch. Cos 4.
- (e) The services provided do not involve the use of a chemical process, with the following exceptions:
 - 1. A licensee practicing aesthetics or cosmetology outside of a licensed establishment may apply cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.
 - 2. A licensee practicing cosmetology outside of a licensed establishment may use cleansing, styling, and finishing products for the purpose of cutting or styling hair.

(2) Electrology services may be provided outside of a licensed establishment if all the following are true:

- (a) The licensee complies with all practice standards provided in this chapter when providing personal care services outside of a licensed establishment.

(b) The licensee complies with all sanitation and safety precautions provided in ch. Cos 4.

Cos 2.05 Advertising. (1) Advertising by licensees shall be truthful and accurate and may not mislead the public.

(2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services before the services are provided."

Cos 2.06 Responsibilities of owners. The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. Cos 2, 3 and 4. The owner shall:

(2) Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

(3) Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.

(4) Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 440.63 (3) (a) 1. or 454.10 (2), Stats., for credentialing as a practitioner or instructor. Owners shall maintain these records for a minimum of 5 years.

(5) In the case of an owner of a cosmetology establishment who is not a licensed cosmetologist, employ at least one licensed cosmetologist to act as a full-time manager who shall ensure that the establishment operates in compliance with state statutes and administrative rules.

Cos 2.07 Responsibilities of the cosmetology manager. (1) The manager of a cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. Cos 3 and 4. The cosmetology manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(1g) A cosmetology manager shall train and supervise any apprentices in accordance with s. Cos 6.04 (1) and shall supervise any temporary permit holders and training permit holders.

(1r) The cosmetology manager shall, for a minimum of 5 years, maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 440.63 (3) (a) 2. or 454.10 (2), Stats., for credentialing as a practitioner or instructor.

(2) The cosmetology manager shall post all required licenses, permits and notices.

Cos 2.08 Responsibilities of licensees. Licensees holding current licenses or permits granted under ch. 454, Stats., shall:

(1) Be responsible for compliance with the sanitation and safety precautions contained in ch. Cos 4.

(2) Be responsible for their own professional practice, conduct and compliance with ch. Cos 2.

Cos 2.09 Continuing education. To ensure competency, the board may require specific remedial continuing education requirements for any licensee as part of a disciplinary process.

Chapter Cos 4

SANITATION AND SAFETY

| | |
|-----------|----------------------------------|
| Cos 4.01 | Equipment and sanitation. |
| Cos 4.02 | Disinfection. |
| Cos 4.03 | Sterilization. |
| Cos 4.04 | Supplies. |
| Cos 4.045 | Prohibited materials. |
| Cos 4.05 | Procedure for exposure to blood. |
| Cos 4.06 | Precautionary procedures. |
| Cos 4.07 | Ear piercing. |
| Cos 4.08 | Waxing. |
| Cos 4.09 | Electrolysis. |
| Cos 4.10 | Manicuring |

Note: Chapter BC 4 was renumbered ch. Cos 4 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 4.01 Equipment and sanitation. (1) All areas of an establishment, or the area of practice outside of an establishment in accordance with the applicable standards, and the equipment, tools, and implements used by licensees, shall be maintained in a clean, sanitary, and safe condition.

(2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least 60% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.

(3) All tools, implements and items that come in direct contact with a client shall be cleaned and disinfected or disposed of after use on each client.

(3g) All non-disposable, disinfectable manicure tools and implements shall be cleaned and disinfected with a disinfectant as defined in s. Cos 1.01 (6), after use on each client.

(3r) All items designed to be disposed of after a single use including orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery boards, buffer blocks, sanding bands or sleeves, and disposable nail bits shall be disposed of after each use.

(4) All liquids, creams, powders and semi-solid substances shall be dispensed from a container in a manner which will prevent contamination of the unused portion of the substance.

(5) Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.

(6) Clean towels shall be used for each patron. A neckstrip or towel shall be placed around the neck of the patron to prevent contact with the cape. The head rest of any operating chair shall be covered with fresh linen or paper for each patron.

(7) All other equipment and instruments shall be clean to sight and touch.

(8) Licensees using lancets for the lateral piercing of raised whiteheads shall utilize only pre-sterilized, single use, disposable lancets.

Cos 4.02 Disinfection. (1) Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers, excluding tweezers used in electrolysis.

- (2) Disinfection for scissors, razors, clipper blades and tweezers shall consist of cleaning with soap and water to remove all organic material, wiping with or soaking in a disinfectant as defined in s. Cos 1.01, and air-drying.
- (3) Disinfection for combs, lifts, brushes, rollers and any other contact equipment shall consist of cleaning with soap and water to remove all organic material, treating with a disinfectant as defined in s. Cos 1.01, and air-drying.
- (4) Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected.
- (5) Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.
- (6) Laundry shall be disinfected by washing with a solution containing a germicidal compound.
Note: Chlorine Bleach and Lysol® (brown bottle) are germicidal compounds.

Cos 4.03 Sterilization. (1) Sterilization in ss. Cos 4.07, 4.09 and 4.10 shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food and drug administration, used according to manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121° C., 250° F., for at least 30 minutes. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171° C., 340° F., for at least 60 minutes.

(2) Sterilizers shall be maintained in working order. Equipment shall be checked in compliance with manufacturer's recommendations at least monthly to ensure that it is reaching required temperatures.

Cos 4.04 Supplies. (1) All establishments shall supply each licensee with at least one of the antiseptics listed in s. Cos 4.05.

(2) All licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

(3) Licensees providing services outside of an establishment shall have available with them at least one of the antiseptics listed in s. Cos 4.05 and have a reasonable supply of bandages and disposable gloves.

Cos 4.045 Prohibited materials. Cosmetologists, aestheticians, electrologists, or manicurists may not use pumice stones or credo razors when providing services.

Cos 4.05 Procedure for exposure to blood. (1) In the case of any patron injury, such as a scissors cut, razor cut, needle stick, laceration or other exposure to blood, broken skin, or a mucous membrane, the licensee shall do all of the following:

- (a) Stop service.
- (b) Put gloves on hands.
- (c) Assist the client with rinsing the exposed area using soap and water. Pat dry with a towel.
- (d) Provide the patron with disinfectant such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.
- (e) Provide the patron with an adhesive bandage if appropriate.
- (f) Dispose of single-use items in the trash container and clean and disinfect all implements.
- (g) Clean and disinfect the workstation.
- (h) Remove gloves and wash hands before resuming service.

(2) In the case of any licensee injury that may expose a patron to blood, broken skin, or a mucous membrane, the licensee shall do all of the following:

- (a) Stop service.
- (b) Explain the situation to the patron.
- (c) Rinse the area with soap and water.
- (d) Apply disinfectant such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.
- (e) Apply an adhesive bandage.
- (f) Dispose of single-use items in the trash container.
- (g) Put gloves on hands.
- (h) Clean and disinfect all implements and clean and disinfect the workstation.
- (i) Replace gloves and return to service.

(3) A licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in subs. (1) and (2). The protocol shall be posted in a place conspicuous to licensees.

Cos 4.06 Precautionary procedures. (1) A licensee shall cover any abrasions, oozing or open lesions or wounds on his or her hands or forearms prior to patron contact. If a licensee has oozing or open lesions or weeping dermatitis on his or her hands or forearms that cannot be effectively covered, the licensee shall refrain from direct patron contact until the condition has been resolved.

(2) A licensee shall use disposable protective gloves when dealing with patrons with oozing or open lesions or weeping dermatitis. These gloves shall be changed between patrons and disposed of after use. Gloves shall be removed upon completion of patron services, and hands washed after glove removal.

Note: It is recommended that licensees use protective gloves in handling caustic chemicals such as permanent waving solution and neutralizer or hair straightening preparations. The handling of these substances without protection can cause skin damage which may provide a route for infection to be transmitted to the licensee.

(3) Licensees shall carefully bag and dispose of paper products contaminated with blood and thoroughly cleanse and disinfect linens contaminated with blood in accordance with s. Cos 4.02 (6).

Note: Paper products contaminated with blood may be disposed of in the regular trash unless saturated with blood. See s. NR 526.05 (Department of Natural Resources).

Cos 4.07 Ear piercing. Ear piercing may be performed by non-licensees, but licensees performing ear piercing shall do all of the following:

- (1) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.
- (2) Thoroughly wash the skin area to be pierced with soap and water or a waterless washing agent with alcohol as an active ingredient.
- (3) Apply an antiseptic to the skin surface of the area to be pierced and allow the antiseptic to air dry.

Note: Iodine and Betadyne® are acceptable antiseptics.

(4) Sterilize earrings, needles, or any other piercing instruments prior to insertion. Pre-sterilized earrings may be utilized.

(5) Prior to each use all other surfaces that come into contact with the skin of the patron shall be disinfected.

Cos 4.08 Waxing. (1) Electrologists performing waxing shall have completed training in depilation by waxing in a school of electrology or a school of cosmetology consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from legs and arms, bikini and underarm hair.
- (e) Removal of facial hair.
- (f) Eyebrow shaping.
- (g) Post depilation treatments.

(2) Manicurists performing waxing shall have completed training in depilation by waxing in a school of cosmetology or a school of manicuring consisting of not less than 8 training hours in all of the following areas:

- (a) Hygiene and sterilization.
- (b) Treatments with hard hot wax.
- (c) Treatments with liquid strip wax.
- (d) Hair removal from the foot, lower leg, hand and forearm.
- (e) Post depilation treatments.

(3) Licensees performing depilation by waxing shall do all of the following:

- (a) Apply a topical antiseptic to the skin surface of the area to be waxed and allow the antiseptic to air dry.
- (b) Dispose of spatulas after each use.
- (c) Dispose of wax and strips after each use.

Cos 4.09 Electrolysis. Licensees performing electrolysis shall:

- (1) Use sterilized needles, lancets and tweezers for each patron, in accordance with s. Cos 4.03.
- (2) Wear disposable protective gloves when working on a patron. These gloves shall be changed between patrons and disposed of following use. Hands shall be washed after removal of gloves.
- (3) Thoroughly wash the skin area to be treated with soap and water. Apply an antiseptic to the skin surface of the patron and allow the antiseptic to air dry prior to commencing electrolysis.
- (4) Dispose of needles and lancets in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

Cos 4.10 Manicuring. (1) Prior to use, all reusable manicure instruments shall be disinfected.

(2) Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

(3) Sterilization shall be accomplished in accordance with s. Cos 4.03.

(4) Manicure instruments that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

(5) Massaging by manicurists is limited to the hand, including the forearm and elbow, and the foot, including the lower leg and knee.

Chapter Cos 5

COURSES OF INSTRUCTION

| | |
|-----------|---|
| Cos 5.001 | Instruction. |
| Cos 5.01 | Courses. |
| Cos 5.015 | Persons providing practical instruction in schools and specialty schools. |
| Cos 5.02 | Practitioner license syllabus. |
| Cos 5.04 | Aesthetician license syllabus. |
| Cos 5.05 | Electrologist license syllabus. |
| Cos 5.06 | Manicurist license syllabus. |

Note: Chapter BC 5 was renumbered ch. Cos 5 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 5.001 Instruction. An applicant for licensure as a cosmetologist, aesthetician, electrologist, or manicurist may receive instruction in a school of cosmetology licensed under s. 440.62 (3) (ar), Stats., exempted under s. 440.61, Stats., or accredited by any of the following:

- (1) National Accrediting Commission of Career Arts & Sciences (NACCAS).
- (2) Accrediting Commission of Career Schools and Colleges (ACCSC).
- (3) Council on Occupational Education (COE).
- (4) National Interstate Council of State Boards of Cosmetology (NIC).
- (5) Any other accrediting agency relating to cosmetology that is recognized by the U.S. Department of Education.

Cos 5.01 Courses. (1) Schools that provide instruction to students for cosmetology practitioner, or specialty schools that provide instruction to students for aesthetician, electrologist, or manicurist licenses shall develop curricula for instruction that are based on the appropriate syllabus as approved by the board in this chapter.

- (2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.
- (3) Courses may be offered to students remotely as deemed appropriate by the school and as approved by the board.
- (4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board.

Cos 5.015 Persons providing practical instruction in schools and specialty schools. No person may use the title, “Wisconsin certified cosmetologist, aesthetician, electrologist, or manicurist instructor,” or use any title that implies the person is a Wisconsin certified instructor, or represents the person to be a Wisconsin certified instructor under this chapter unless the person holds a current license in cosmetology, aesthetics, electrology, or manicuring and meets the requirements under s. 440.63 (3), Stats.

Cos 5.02 Practitioner license syllabus. A syllabus for the practitioner license is shown below in Figure 5.02:

FIGURE 5.02

| | SUBJECTS | THEORY HOURS | PRACTICAL HOURS |
|------|--|-----------------|--------------------|
| I. | Hygiene, grooming and personal development. | 10 | 0 |
| II. | Bacteriology, sterilization and sanitation. | 20 | 20 |
| III. | Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. Tools, equipment and implements (identification and usage). | 140 | 440 |
| IV. | Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry. Tools, equipment and implements (identification and usage). | 185 | 392 |
| V. | Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrolysis. Tools, equipment and implements (identification and usage). | 35 | 60 |
| VI. | Manicuring, including nail enhancement. Tools, equipment and implements (identification and usage). | 10 | 25 |
| VII. | Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails. | 50 | 0 |
| VII. | Product knowledge, product use and sales, preparing and consulting with customer for services. | 30 | 0 |
| IX. | Laws, rules, <u>tax reporting</u> , professional ethics and history of cosmetology. | 18 | 0 |
| X. | Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.) (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology establishments.) | 40 | 75 |
| | TOTAL HOURS: | 538 | 1012 |

Cos 5.04 Aestheticians license syllabus. A syllabus for the aestheticians license is shown below in Figure 5.04:

FIGURE 5.04

| | SUBJECTS | THEORY HOURS | PRACTICAL HOURS |
|------------------|---|-------------------------------|-------------------------------|
| I. | Introduction | | |
| | Law and Code, Bookkeeping, Tax Reporting , Business | 60 26 | |
| | Management, History, and Ethics | | |
| II. | Safety, Sanitation and Sterilization | 30 | 20 |
| III. | Anatomy and Physiology | 30 | |
| IV. | Chemistry, Treatments and Process, Treatment-product and techniques. | 56 24 | 96 |
| V. | Treatment Product and Techniques | 32 | 96 |
| VI. | Electricity, Machines and Equipment | 20 10 | 35 |
| VII. | Make-up and Color Analysis | 20 12 | 35 20 |
| VIII. | Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology or aesthetics establishments.) | 18 65 | 30 50 |
| | TOTAL HOURS: | 234 229 | 216 221 |

Cos 5.05 Electrologist license syllabus. A syllabus for the electrologist license is shown below in Figure 5.05:

FIGURE 5.05

| | SUBJECTS | THEORY HOURS | PRACTICAL HOURS |
|-------|---|--------------|-----------------|
| I. | Introduction | | |
| | Law and Code, Bookkeeping, Tax Reporting , Business Management, History and Ethics | 30 | |
| II. | Basic Principles of Electricity and Equipment Usage | 20 | 20 |
| III. | Anatomy, Physiology and Microbiology | 20 | |
| IV. | Safety, Sanitation and Sterilization | 30 | 20 |
| V. | Modalities of Electrology | 20 | 50 |
| VI. | Electrology Techniques and Variables | 20 | 50 |
| VII. | Clinical Practice: Consultation, Evaluation, Complications, Contraindications, Positioning and Draping, Lighting and Optics, and Epilatic Techniques | 40 | 60 |
| VIII. | Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more electrology establishments.) | 30 | 40 |
| | TOTAL HOURS: | 210 | 240 |

Cos 5.06 Manicurist license syllabus. A syllabus for the manicurist license is shown below in Figure 5.06:

FIGURE 5.06

| | SUBJECTS | THEORY HOURS | PRACTICAL HOURS |
|------|--|--------------|-----------------|
| I. | Introduction | | |
| | Law and Codes, Bookkeeping, <u>Tax Reporting</u> , Business Management, History and Ethics | 36 | |
| II. | Safety, Sanitation, Sterilization, First Aid and Bacteriology | 10 | 25 |
| III. | Nails and Skin Disorders | 24 | 10 |
| IV. | Anatomy and Physiology | 18 | 8 |
| V. | Manicuring and Pedicuring, including nail enhancement | 24 | 112 |
| VI. | Introduction to Advertising | 12 | |
| VII. | Individual Student Needs and Electives (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology or manicuring establishments.) | 7 | 14 |
| | TOTAL HOURS: | 131 | 169 |

Chapter Cos 6

APPRENTICESHIP PROCEDURES AND STANDARDS

| | |
|----------|-------------------------------------|
| Cos 6.01 | Applications and permits. |
| Cos 6.02 | Theory and practical instruction. |
| Cos 6.03 | Theory syllabus for apprentices. |
| Cos 6.04 | Practical training for apprentices. |
| Cos 6.05 | Transfer credit. |

Note: Chapter BC 6 was renumbered ch. Cos 6 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 6.01 Applications and permits. (1) The owner of an establishment seeking to train an apprentice shall contact the department of workforce development or the department for an application.

(2) An initial apprenticeship permit shall be issued for a period of 3 years. The permit shall be renewable for one additional one year period upon all of the following:

(a) The payment of the renewal fee specified in s. 440.08 (2) (b), Stats.

(b) Certification to the board from the department of workforce development of acceptable progress by the apprentice in theory instruction and practical training.

(4) An apprentice shall not engage in any cosmetology work or attend school until a permit has been issued.

(5) Each apprentice shall enter an apprenticeship contract with an establishment owner or his or her designated agent who shall employ and make arrangements for training of the apprentice in accordance with ch. 454, Stats., and the rules of the board.

(6) The owner or his or her designated agent shall provide the apprentice with the equipment necessary to learn all phases of practical cosmetology as listed in s. Cos 6.04 and keep records of all apprentice practical work hours.

(7) An apprentice seeking to transfer his or her apprenticeship contract to another establishment owner shall contact the department of workforce development or the department for transfer procedures. An apprentice shall not transfer without prior approval of the board.

(8) Cancellation of an apprenticeship contract by the department of workforce development shall result in an automatic suspension of an apprenticeship permit.

(9) An apprentice who has failed to complete an apprenticeship within 4 years from the date of issuance of his or her initial permit may apply for reentry into the apprenticeship program. Upon its review of the applicant's apprenticeship records, the board may deny the application or issue another apprenticeship permit under specified terms and conditions. The board may allow an apprentice credit for theory and practical training actually obtained under a previous permit.

Cos 6.02 Theory and practical instruction. Following issuance of an apprenticeship permit, an apprentice shall enroll in the first available course of theory instruction at a school of cosmetology and shall maintain acceptable attendance and progress in instruction and practical training. The manager shall pay the apprentice for the hours of school attendance and practical training.

Cos 6.03 Theory syllabus for apprentices. Schools which provide theory instruction for apprentices shall develop a curriculum based on the syllabus in Figure 6.03 (1):

FIGURE 6.03 (1)

| | SUBJECTS | THEORY HOURS |
|-------|--|--------------|
| I. | Hygiene, grooming and personal development. | 10 |
| II. | Bacteriology, sterilization and sanitation. | 20 |
| III. | Tools, equipment and implements (identification and usage). | 18 |
| IV. | Haircutting, hair tapering (clippercuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin-curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. | 56 |
| V. | Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry. | 78 |
| VI. | Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. | 30 |
| VII. | Manicuring, including nail enhancement. | 10 |
| VIII. | Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails. | 50 |
| IX. | Laws, rules, professional ethics and history of cosmetology. | 16 |
| | TOTAL HOURS: | 288 |

Cos 6.04 Practical training for apprentices. (1) (a) The establishment owner with whom an apprentice contracts shall employ a cosmetology manager, whose cosmetology license is not an inactive license, to train and supervise the apprentice, except as provided in pars. (b) and (c). An apprentice shall only work under the supervision of a cosmetology manager, except as provided in pars. (b) and (c).

(b) A cosmetology manager may delegate their supervisory duty to a practitioner who has completed at least 2,000 hours of licensed practice.

Cos 1,2,4,5,6 – Education and Approved Formal Training
Redlined Code Text

(c) A cosmetology manager may delegate their supervisory duty to a barber licensed under ch. 454, Stats., who has completed at least 2,000 hours of licensed practice, but only if the apprentice is a barbering apprentice as referenced in s. 454.22 (1) (c), Stats., and if the apprentice engages only in barbering.

Note: Under sections 454.10 (1) and 454.26 (1) of the Statutes, every apprentice is also governed by section 106.01 of the Statutes and chapter DWD 295.

(3) Each apprentice must receive at least 3,712 hours of training and experience in the practical services of cosmetology to qualify for the examination as a practitioner. Training and experience shall include the subjects and practical hours of training shown below in Figure 6.04 (3):

FIGURE 6.04 (3)

| | SUBJECTS | PRACTICAL HOURS |
|------|---|-----------------|
| I. | Bacteriology, sterilization and sanitation in the establishment. | 70 |
| II. | Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pin curl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. | 1,300 |
| III. | Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry. | 1,000 |
| IV. | Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. | 80 |
| V. | Manicuring, including nail enhancement. | 30 |
| VI. | General patron service and individual apprentice needs | 1,232 |
| | TOTAL PRACTICAL HOURS | 3,712 |

Cos 6.05 Transfer credit.

(1) Apprentices transferring to a school program shall be granted credit for hours attained at a ratio of one apprentice theory hour to one student theory hour and 4 apprentice practical hours to one student practical hour.

(2) Students transferring to an apprenticeship program shall be granted credit for hours attained at a ratio of one apprentice theory hour to one student theory hour and one apprentice practical hour to one student practical hour.

Cos 1,2,4,5,6 – Education and Approved Formal Training
Redlined Code Text

(3) The department may grant transferees to an apprenticeship program credit for calendar time spent in prior training.

DRAFT

Cosmetology Examining Board
Rule Projects(updated 4/16/25)

| Clearinghouse Rule Number | Scope # | Scope Expiration | Code Chapter Affected | Relating clause/ Summary | Current Stage | Next Step |
|---------------------------|------------------|------------------|-----------------------|--|--|---|
| Not Assigned Yet | 101-24 | 4/14/2027 | Cos 1, 2, 4, 5, 6 | Education and Approved Formal Training. The Board would like to consider reviewing and updating the education requirements in the Cosmetology code, and consider updating the requirements for approved formal training in chapter Cos 4. | Drafting | Board Approval of Preliminary Rule Draft |
| 24-088 | 056-24 | 11/28/2026 | Cos 1, 2, 3, and 4 | Mobile Establishments. Allow licensing and regulation of mobile cosmetology establishments in the state. | Final Rule and Legislative Report Reviewed at 04/16/25 Meeting | Submission to Governor's Office for Approval and Legislature for Review |
| Not Assigned Yet | Not Assigned Yet | TBD | Cos 1 to 4 | Definitions and Establishment Requirements: The Board would like to review definitions and requirements for the establishment license relating to safety and client protection. | Scope Statement Reviewed at 04/16/25 meeting | Scope Statement Submitted to Governor's Office for Approval and Legislative Administrative Register for Publication |