

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
COSMETOLOGY EXAMINING BOARD	:	ECONOMIC IMPACT ANALYSIS

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Cosmetology Examining Board, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Nilajah Hardin, Administrative Rules Coordinator
Office of Chief Legal Counsel
Department of Safety and Professional Services
PO Box 8368
Madison, WI 53708-8368
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is January 5, 2026.

PROPOSED ORDER

An order of the Cosmetology Examining Board to amend Cos 2.025 (2) (c) 1. and 2., (2m) (intro.), Chapter Cos 4 (title), Cos 5 Figure 5.02 row IX, Figure 5.04 rows I and IV and V and VI and VII and VIII, Figure 5.05 row I, and Figure 5.06 row I; and to create Cos 2.025 (2) (am), (2m)(bm), and Cos 4.12 to 4.17, relating to Education and Approved Formal Training.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 440.62 (5) (b) 1., Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), 440.62 (5) (b) 1., and 454.075, 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 “Each 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.”

Related statute or rule: None.

Plain language analysis:

The proposed rule adds “laser skin rejuvenation services” and “eyelash perming” to the list of delegated medical procedures under Cos 2.025 (2) and (2m). Formal Training requirements for the delegated medical procedures in Cos 2.025 (2m) were added to Cos 4. The syllabi in Cos 5.02, 5.04, 5.05, and 5.06 were amended to add new topics on “tax reporting.” The syllabus in Cos 5.04 was also amended with changes to theory and practical hours.

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

Comparison with rules in adjacent states:

Illinois: The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 contains the statutory requirements for the practice of cosmetology, barbering, esthetics, and nail technology in Illinois. In Illinois, cosmetology does not include the services of an electrologist. Additionally, cosmetologists may not use any practice or service that affects the living layers of the skin. The practice of esthetics does not include the services provided by a cosmetologist or an electrologist except to the extent specifically described in statutes. Estheticians are also prohibited from using any practice or service that affects the living layers of the skin [225 Illinois Compiled Statutes Chapter 410 Sections 3-1 and 3A-1].

Administrative rules of the Illinois Department of Financial and Professional Regulation also include requirements for the practice of cosmetology, barbering, esthetics, and nail technology in Illinois [68 Illinois Administrative Code Part 1175]. The curriculum for cosmetologists includes the topic of “bookkeeping.” The curriculum for estheticians includes 25 hours on “business practices,” 150 hours on “scientific concepts,” and 500 hours on “practices and procedures.” The nail technology curriculum also includes 25 hours on “business practices” [68 Illinois Administrative Code Part 1175 Sections 1175.530, 1175.835, 1175.1135].

Iowa: Iowa statutes include requirements for barbering and cosmetology. Except for hair removal and nail technology services, licensees may not provide any service where “human tissue is cut, shaped, vaporized, or otherwise structurally altered.” Additionally, “intense pulsed light devices” can only be utilized for hair removal [Iowa Code Title IV Chapter 157 Sections 157.2].

Rules of Iowa’s Inspection and Appeals Department also include requirements for barbering and cosmetology. For initial licensure, each licensee must complete 150 hours in “core life sciences” which includes topics on human anatomy, infection control, basic chemistry. Safety and hygiene, professional ethics and state and federal laws, among many others. Additional course requirements vary depending on the type of license being applied for [481 Iowa Administrative Code Chapter 941 Section 481.941.14]. In Iowa, a licensee may perform shaving, microdermabrasion, chemical exfoliation, laser services, and intense pulsed light treatments after completing additional training prescribed by administrative rule. A licensee must complete 40 hours of training specific to each laser or intense pulsed light machine or model that they intend to use in their practice. Cosmetologists licensed after July 1, 2005 are prohibited from using laser products or intense pulsed light treatments. Cosmetologists licensed prior to July 1, 2005 and all electrologists and estheticians performing laser or intense pulsed light treatments must work under the general supervision of a physician [481 Iowa Administrative Code Chapter 940 Section 481.940.5].

Michigan: Michigan statutes include requirements for cosmetology practice and licensure. Of those requirements, cosmetologists and estheticians may not practice electrology unless they are also licensed as an electrologist. An esthetician or a cosmetologist may perform skin care services limited to the stratum corneum such as dermaplaning, high frequency treatments, eyebrow lamination and tinting, eyelash extension and tinting, and nonmedical grade chemical peels and hydro dermabrasion. Light therapy treatments must be approved by the US Food and Drug Administration and cannot penetrate the living layers of skin [Michigan Compiled Laws Chapter 399 Sections 339.1203a and 339.1210].

Administrative rules of the Michigan Department of Licensing and Regulatory Affairs also include requirements for cosmetology. In Michigan, the cosmetology, electrology, esthetics, and manicuring curriculums for initial licensure includes hours on the topic of “salon management.” The esthetics curriculum also includes hours in “sanitation and patron protection,” “laws and rules,” “personal hygiene,” “mechanical and electrical equipment safety,” “anatomy and disorders,” “artistic principles and makeup,” “facial and skin care techniques,” “chemistry and occupational safety and health administration,” and “temporary removal of hair” [Michigan Administrative Code R 338.2126a, 338.2161, 338.2162, 338.2163, and 338.2163a].

Minnesota: Minnesota statutes chapter 155A includes requirements for cosmetology practice in Minnesota. Cosmetology includes services for cosmetic care of the hair, nails, and skin for compensation. An esthetician may only perform services for cosmetic care of the skin. An advanced practice esthetician may perform services for cosmetic care of the skin including mechanical or electrical appliances used on the epidermal layer of skin [Minnesota Statutes, Chapter 155A.23].

Minnesota administrative rules also provide requirements for cosmetology education. In Minnesota, the first 240 hours of the cosmetology curriculum include topics on “safety procedures relating to the practice of cosmetology,” “Minnesota Statutes and rules which pertain to the regulation of the practice of cosmetology,” and “elementary service skills.” The first 120 hours of the esthetician curriculum includes topics on anatomy and dermatology related to skin care and state statutes and rules related to skin care practice. For the advanced practice esthetician curriculum, topics include dermaplaning, chemical peels, electrical energy services, and skin needling. Additionally, for all license types there must be instruction in “business practices and in the Minnesota laws regulating those practices and labor relations” [Minnesota Rules, Chapter 2105 and Sections 2110.0500 to 2110.0580].

Summary of factual data and analytical methodologies:

The proposed rules were created by the Board reviewing Wisconsin Administrative Code Chapters Cos 1, 2, 4, 5, and 6, and making changes as needed.

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

The proposed rules will be 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.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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 Nilajah Hardin, 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, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 2.025 (2) (am) is created to read:
Cos 2.025 (2) (am) Laser skin rejuvenation services.

SECTION 2. Cos 2.025 (2) (c) 1. and 2. and (2m) (intro.) are amended to read:

Cos 2.025 (2) (c) 1. Alpha hydroxyl acids of 30% or less, with a ~~pH~~ pH of not less than 2.0.

2. Salicylic acids of 20% or less, with a ~~pH~~ pH of not less than 2.0.

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

SECTION 3. Cos 2.025 (2m) (bm) is created to read:

Cos 2.025 (2m) (bm) Eyelash perming.

SECTION 4. Chapter Cos 4 (title) is amended to read:

Chapter Cos 4

SANITATION, AND SAFETY, AND FORMAL TRAINING

SECTION 4. Cos 4.03 (1) is amended to read:

Cos 4.03 (1) Sterilization in ss. Cos 4.07, 4.09 ~~and~~, 4.10, 4.11, 4.12, 4.13, and 4.14 shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food 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.

SECTION 5. Cos 4.12 to 4.17 are created to read:

Cos 4.12 Dermaplaning. (1) Estheticians performing dermaplaning shall have completed formal training in dermaplaning that does not impact a skin layer below the stratum corneum consisting of at least 6 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene and sterilization.
 - (b) Removal of facial hair.
 - (c) Methodology and procedures.
 - (d) Treatment contraindications.
 - (e) Instrument use and disposal.
 - (f) Post depilation treatments.
- (2) Estheticians performing dermaplaning shall do all of the following:
- (a) 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.
 - (b) Use sterilized dermaplaning tools for each patron, in accordance with s. Cos 4.03. Dermaplaning tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.
 - (c) Dispose of needles in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

4.13 Eyelash and eyebrow tinting. (1) EYELASH TINTING. (a) Licensees performing eyelash tinting shall have completed formal training in eyelash tinting consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

1. Hygiene and sterilization.
2. Methodology and procedures.
3. Treatment contraindications.
4. Instrument use and disposal.

(b) Licensees performing eyelash tinting 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. Use sterilized eyelash tools for each patron, in accordance with s. Cos 4.03. Eyelash tinting tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

(2) EYEBROW TINTING. (a) Licensees performing eyebrow tinting shall have completed formal training in eyebrow tinting that does not impact a skin layer below the stratum corneum consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

1. Hygiene and sterilization.
2. Methodology and procedures.
3. Treatment contraindications.
4. Instrument use and disposal.

(b) Licensees performing eyebrow tinting 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. Use sterilized eyebrow tinting tools for each patron, in accordance with s. Cos 4.03. Eyebrow tinting tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

4.14 Eyelash perming. (1) Licensees performing eyelash perming shall have completed formal training in eyelash perming consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene and sterilization.
- (b) Methodology and procedures.
- (c) Treatment contraindications.
- (d) Instrument use and disposal.

(2) Licensees performing eyelash perming shall do all of the following:

- (a) 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.
- (b) Use sterilized eyelash tools for each patron, in accordance with s. Cos 4.03. Eyelash perming tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

4.15 Microblading. (1) Licensees performing microblading shall have completed formal training in microblading that does not impact a skin layer below the stratum corneum consisting of at least 40 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (e) Hygiene and sterilization.
- (f) Methodology and procedures.
- (g) Treatment contraindications.
- (h) Instrument use and disposal.

(2) Licensees performing microblading shall do all of the following:

- (a) 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.
- (b) Use sterilized microblading tools for each patron, in accordance with s. Cos 4.03. Microblading tools that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.
- (c) Dispose of needles in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

4.16 Utilization of electromagnetic radiation and electric current. (1) Licensees performing electromagnetic radiation or electric current treatments shall have completed formal training in utilization of electromagnetic radiation or electric current that does not impact a skin layer below the stratum corneum consisting of at least 4 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene, disinfection and decontamination.
- (b) Methodology and procedures.
- (c) Treatment contraindications.
- (d) Instrument use and disposal.

(2) Licensees performing electromagnetic radiation or electric current treatments shall do all of the following:

- (a) 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.
- (b) Prior to use, all reusable instruments shall be disinfected.
- (c) Disinfectants used for decontamination shall be changed daily and shall be kept in a covered container.

4.17 Utilization of thermal energy. (1) Licensees performing thermal energy treatments shall have completed formal training in utilization of thermal energy that does not impact a skin layer below the stratum corneum consisting of at least 8 hours in a board approved curriculum or separate board approved education course that includes all of the following topics:

- (a) Hygiene, disinfection and decontamination.
- (b) Methodology and procedures.
- (c) Treatment contraindications.
- (d) Instrument use and disposal.

(2) Licensees performing thermal energy treatments shall do all of the following:

- (a) 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.
- (b) Prior to use, all reusable instruments shall be disinfected.
- (c) Disinfectants used for decontamination shall be changed daily and shall be kept in a covered container.

SECTION 5. Cos 5 Figure 5.02 row IX is amended to read:

IX.	Laws, rules, <u>tax reporting</u> , professional ethics and history of cosmetology.	18	0
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SECTION 6. Cos 5 Figure 5.04 rows I and IV and V and VI and VII and VIII amended to read:

FIGURE 5.04			
	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Introduction		
	Law and Code, Bookkeeping, <u>Tax Reporting</u> , Business Management, History, and Ethics	26 <u>60</u>	
IV.	Chemistry, Treatments and Process, <u>Treatment-product and techniques</u>	24 <u>56</u>	<u>96</u>
V.	Treatment-product and techniques	32	<u>96</u>
VI.	Electricity, Machines and Equipment	10 <u>20</u>	35
VII.	Make-up and Color Analysis	12 <u>20</u>	20 <u>35</u>
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.)	65 <u>18</u>	50 <u>30</u>
	TOTAL HOURS:	229 <u>234</u>	221 <u>216</u>

SECTION 7. Cos 5 Figure 5.05 row I is amended to read:

I.	Introduction Law and Code, Bookkeeping, <u>Tax Reporting</u> , Business Management, History and Ethics	30	
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SECTION 8. Cos 5 Figure 5.06 row I is amended to read:

I.	Introduction Law and Codes, Bookkeeping, <u>Tax Reporting</u> , Business Management, History and Ethics	36	
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SECTION 9. 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)
