

## Chapter SPS 50

### BARBERS

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**Note:** This chapter was created as ch. SPS 205 by emergency rule EmR1302, effective 2–14–13.

#### Subchapter I — General

**SPS 50.100 Authority and scope.** Pursuant to subch. II of ch. 454, Stats., this chapter applies to licensing of barbers, barbering managers, and barbering establishments.

**Note:** Under section 454.22 (1) of the Statutes, “No person may engage in barbering unless the person is one of the following:

- (a) A licensed barber.
- (b) A licensed barbering manager.
- (c) An apprentice in barbering under s. 454.26.
- (d) A student in a barbering course of instruction.
- (e) A person who holds a temporary permit to practice barbering granted by the department under s. 454.23 (7).
- (f) A licensed cosmetologist.
- (g) A licensed cosmetology manager.
- (h) An apprentice in cosmetology under s. 454.10.
- (i) A student in a cosmetology course of instruction.”

**History:** EmR1302: emerg. cr., eff. 2–14–13; CR 13–026: cr. Register October 2013 No. 694, eff. 11–1–13.

**SPS 50.110 Definitions.** In this chapter:

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

(2) “Barber” has the meaning given in s. 454.20 (1), Stats.

**Note:** Section 454.20 (1) of the Statutes reads as follows: “ ‘Barber’ means a person who practices barbering.”

(3) “Barbering” has the meaning given in s. 454.20 (2), Stats.

**Note:** Section 454.20 (2) of the Statutes reads as follows: “ ‘Barbering’ means, for compensation, arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair of the head, neck, or face of any person by any means. ‘Barbering’ does not include the removal of a person’s hair at the root or the application of temporary or permanent eyelash extensions to the eyelashes of a person.”

(4) “Biennium” or “biennial reporting period” means a 2–year period beginning April 1<sup>st</sup> of each odd–numbered year and ending on March 31<sup>st</sup> of the next odd–numbered year, during which a licensee shall satisfy the continuing education requirements under this chapter.

(5) “Business day” means any day Monday to Friday, excluding Wisconsin legal holidays.

(6) “Contact equipment” includes combs, lifts, brushes, and rollers.

(7) “Contagious” means capable of being transmitted by direct or indirect contact.

(8) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension, and enhancement of the professional skills or knowledge of the licensees in the practice of barbering.

(9) “Continuing education credit hour” means a unit of credit for continuing education courses, where one continuing education credit hour equals 50 minutes of actual instruction in a continuing education training program. In this subsection, “actual instruction” does not include any time spent for testing or assessment purposes.

(10) “Continuing education training program” means any course, program or activity meeting the requirements of s. SPS 50.421 and having a clear purpose and objective of maintaining, improving, or expanding the skills and knowledge relevant to the licensee’s professional practice.

(11) “Credential” means a license, permit, or certificate or certification of registration that is issued under ch. 454, Stats.

(12) “Department” means the department of safety and professional services.

(13) “Disinfectant” means a chemical or product that destroys disease–causing bacteria, including any of the following:

(a) A solution of household bleach, which is 5¼% sodium hypochlorite, and water—if the solution is made fresh each day prior to use and contains at least 500 parts per million available chlorine.

**Note:** This concentration typically can be obtained with a dilution ratio of 1:100, which is two teaspoons of household bleach per quart of water.

(b) A solution of at least 70 percent isopropyl alcohol.

(c) A solution using a phenolic germicidal.

(d) A solution using an iodophor germicidal agent such as iodine or Betadine®.

(e) A solution using a quaternary–ammonium germicidal agent.

(14) “Disinfection” means application of a disinfectant following thorough cleaning of the utensil.

(15) “Division” means the division of legal services and compliance in the department of safety and professional services.

(16) “Establishment” has the meaning given in s. 454.01 (10), Stats.

**Note:** Section 454.01 (10) of the Statutes reads as follows: “ ‘Establishment’ means any place in which barbering, cosmetology, aesthetics, electrology, or manicuring is performed.”

(17) “Full time” means work that 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.

(18) “Infectious” means capable of being transmitted, with or without contact.

(19) “Licensee” means a person who holds a license, permit, certificate, or registration issued by the department or who has the right to renew a license, permit, certificate, or registration issued by the department.

(20) “Manager” means a person who holds either a current barbering manager license issued under s. 454.23 (3), Stats., and this chapter, or a current cosmetology manager license issued under s. 454.06 (3), Stats., and chapters Cos 1 to 11.

**Note:** For a reprint of section 454.23 (3) of the Statutes, see the Note under section SPS 50.340 (1) (b).

(21) “Owner” means a person who holds an establishment license or right to renew an establishment license.

(22) “Patron” means a person to whom services from a barber are provided for compensation.

(23) “Personal care instruments” include scissors, razors, and clipper blades.

(24) “Physician” means a person licensed in Wisconsin to practice medicine and surgery.

(25) “Sterilization” means a process that destroys all forms of microbial life, including spores.

(26) “Supervision” means regular, on-premise coordination, direction, and inspection of the practice of another.

(27) “Temporary permit” means a permit issued by the department under s. 454.23 (7), Stats.

**Note:** Under section 454.23 (7) of the Statutes, temporary permits allow applicants to perform barbering for up to 6 months while they are scheduled to take the licensure examination.

(28) “Wound” means an injury to the body in which the skin or other tissue is broken, cut, pierced, or torn, such as through a scissors cut, razor cut, or other laceration.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

## Subchapter II — Practice of Barbering

**SPS 50.200 Treatments prohibited, infectious and contagious diseases.** (1) No licensee may treat any disease of the skin unless under the direction of a physician.

(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 that prevent the spread of the disease to patrons.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.210 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 and department rules applicable to barbering.

(2) Licensees may provide only those services that 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 may 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 may not smoke while performing personal services on a patron.

(6) Licensees may 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) of the Statutes 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.”

**Note:** Body piercers, body piercing establishments, tattooists, and tattoo establishments are regulated by the Department of Health Services under chapter DHS 173. Tanning facilities and tanning facility operators are regulated by the Department of Health Services under chapter DHS 161.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.211 Unauthorized practice.** (1) Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering.

(2) Licensees shall report to the department unauthorized or unlicensed practice or other violations of subch. II of ch. 454, Stats., and this chapter.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.212 Barbering outside of a licensed establishment.** Licensees may not provide barbering outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions, or other institutions. Licensees may provide any barbering for inmates or patients regardless of whether it is done in a designated area or in the personal room of an inmate, patient, or infirm person within an institution or private home.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.220 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 that states, “All establishment patrons have the right to be informed of the cost of services before the services are provided.”

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.230 Responsibilities of owners.** The owner of any licensed establishment shall be responsible for compliance

with subch. II of ch. 454, Stats., and this chapter. The owner shall do all of the following:

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

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

**Note:** See section SPS 50.310 for additional requirements for owners who have apprentices.

(3) In the absence of a manager, maintain and provide appropriate records for apprentices, temporary permit holders, and barbers, including employment records, to enable apprentices or barbers to meet the requirements of s. 440.63 (3) (a) 2. or 454.23 (2) or (3), Stats., for credentialing as an instructor, barber, or manager, respectively.

(4) Employ a manager who shall have direct authority over the operations of the establishment. If the manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a manager. The owner shall notify the department that the manager is no longer employed or has become otherwise unavailable within 10 business days following the manager's last day of employment.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

#### SPS 50.231 Responsibilities of the manager.

(1) The manager of a barbering establishment shall be responsible for the daily operations of the establishment and ensure that the establishment is in compliance with subch. II of ch. 454, Stats., and this chapter. The manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(2) The manager shall train and supervise any apprentices in accordance with s. SPS 50.310 (3) and shall supervise any temporary permit holders.

(3) The manager shall maintain and provide appropriate records for apprentices, temporary permit holders, and barbers, including employment records, to enable apprentices or barbers to meet the requirements of s. 440.63 (3) (a) 2., 454.23 (2), or 454.23 (3), Stats., for credentialing as an instructor, barber, or manager, respectively.

(4) The manager shall post all required licenses, permits, and notices within the establishment in a conspicuous location where they are readily visible to the public.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.232 Responsibilities of licensees.** Licensees holding current licenses or permits granted under subch. II of ch. 454, Stats., shall be responsible for all of the following:

(1) Compliance with the sanitation and safety precautions contained in ss. SPS 50.270 to 50.290.

(2) Their own professional practice, conduct, and compliance with ss. SPS 50.200 to 50.220.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.240 Establishment requirements.** (1) Barbering may not be practiced outside the confines of a licensed establishment except as provided in s. SPS 50.212.

(2) Establishments where apprentices are trained shall provide equipment, supplies, and products for all barbering services.

(3) Where an establishment is located in the same building as a residence, the business and living quarters shall be separate.

(4) Establishments shall provide a basin that has hot and cold running water, and a chair that is designed for the service to be provided. At least one basin shall be constructed and available to permit licensees to wash their hands prior to serving each patron and following removal of gloves. Establishments shall provide the equipment and supplies necessary to perform services offered.

Basins may be shared with other establishments located on the same premises.

**Note:** See chapters SPS 361 to 366 or 320 to 325 for ventilation requirements in commercial buildings or one- and two-family dwellings, respectively.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

#### SPS 50.241 Establishment management and leasing requirements. (1) MANAGER REQUIRED.

The owner of a barbering establishment may not operate the establishment unless a manager is employed for the establishment, subject to the exception for temporary unavailability of a manager in s. SPS 50.230 (4). The manager shall be responsible for supervising and managing the operation of the establishment. The owner and the manager shall ensure that the establishment operates in compliance with subch. II of ch. 454, Stats., and rules of the department including all of the following:

(a) The owner of more than one establishment shall employ a sufficient number of managers to satisfy the requirement that a manager be present full time in each establishment.

(b) The owner of a barbering establishment may satisfy the requirement in this section by employing a manager who also works at an establishment owned by a different person, provided the manager works full time at each establishment where he or she is employed as manager.

(c) A manager is required to be present in an establishment full time except if an establishment is open for more than 30 hours per week, the manager is not required to be present in the establishment at all times when the establishment is open for business, and the manager may be absent for reasonable brief periods during a day.

(2) CHAIR OR BOOTH LEASING. An individual who is neither employed by nor otherwise hired by an owner may perform barbering or cosmetology with a chair or booth in the owner's establishment only if all of the following are complied with:

(a) A lease agreement between the owner and individual, for the chair or booth, shall be executed in writing.

(b) The lessee shall be responsible for ensuring that the leased chair or booth operates in accordance with subch. II of ch. 454, Stats., and the rules of the department.

(c) The lessee shall be a manager and shall hold an establishment license.

(d) The lessee may not supervise an apprentice who has an apprenticeship contract with another establishment.

**Note:** "Lease agreement" in this section includes chair and booth "rental" agreements. To avoid unintended insurance and tax consequences, all parties to a lease or rental agreement are advised to consult with appropriate business advisors and government agencies.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.242 Establishment licensure.** (1) Before a person may open a new establishment, or change the ownership of an existing establishment, or relocate and create a new establishment as specified in s. SPS 50.260 (2), the person shall submit an application to the department on a form specified by the department.

**Note:** The application form is available on the Department's Web site at [www.dps.wi.gov/Home](http://www.dps.wi.gov/Home).

(2) The department shall require identification of the owner, business address, manager, and type of business, in addition to other information that may be needed to approve the issuance of a license.

(3) Upon approval of the application and issuance of the license, the establishment may open for business.

(4) Falsification of any information on the application may be grounds for denial, suspension, or revocation of the establishment license, as provided in s. 454.29, Stats., and subject the applicant to penalties as indicated in s. 454.295, Stats.

**Note:** Section 454.295 of the Statutes reads as follows: "Any person who violates this subchapter [II] or any rule promulgated under this subchapter shall be fined not

less than \$100 nor more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.”

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.250 Inspections.** (1) Inspections by field representatives or agents of the department may be conducted to assure compliance with subch. II of ch. 454, Stats., and ss. SPS 50.100 to 50.310.

(2) Upon notification of violation, licensees shall respond within 10 business days either by notifying the department of correction of the violation or presenting a proposed plan of correction for department approval.

(3) Failure to respond to a notice of violation or to comply with a plan of correction approved by the department is subject to the provisions for misconduct under s. 440.205, Stats., and to the disciplinary proceedings and actions under s. 454.29, Stats.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.260 Change of ownership or location.**

(1) Change of ownership of any establishment constitutes the creation of a new establishment and shall include submission of an application to the department for a new establishment license.

(2) Change of location of any establishment constitutes the creation of a new establishment and shall include submission of an application to the department for a new establishment license. Relocation of a leased chair or booth that is licensed as an establishment and housed within a lessor establishment shall include written notification to the department identifying the change of chair or booth.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.270 Equipment and sanitation.** (1) All areas of an establishment and the equipment, tools, and implements used by licensees for services in an establishment 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 that kill 99.99% of germs are an acceptable substitute for using soap and running water to wash hands that are not visibly soiled.

(3) Contact equipment that cannot be cleaned with soap or detergent and water shall be disposed of following each use.

(4) All liquids, creams, powders, and semi-solid substances shall be dispensed from a container in a manner that 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 neck strip 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.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.271 Disinfection.** (1) Unless sterilized, disinfection is required prior to reusing any personal care instruments or contact equipment on another patron.

(2) Disinfection for personal care instruments shall consist of cleaning with soap and water to remove all organic material, wiping with or spraying with a disinfectant, and air-drying.

(3) Disinfection for contact equipment shall consist of cleaning with soap and water to remove all organic material, soaking in or spraying with a disinfectant, 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 as per manufacturer’s recommendations and shall be kept in a covered container.

(6) Laundry shall be disinfected by washing with a solution containing a germicidal compound.

**Note:** Bleach and Lysol® (brown bottle) are examples of germicidal compounds.  
**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.272 Sterilization.** (1) Sterilization shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food and drug administration, and shall be used according to the manufacturer’s instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C or 250°F, for at least 30 minutes. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C or 340°F, for at least 60 minutes.

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

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.280 Supplies.** (1) All work stations shall be supplied with at least one of the antiseptics listed in s. SPS 50.290 (2) or (4) for use by licensees in case of injury.

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

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.290 Procedure for exposure to blood.**

(1) When any patron or licensee is exposed to blood by a wound or other exposure to broken skin or a mucous membrane, the licensee shall stop barbering and then comply with sub. (2) and then sub. (3), or then comply with sub. (3) and then sub. (4), or whichever are applicable, before resuming the barbering.

(2) Thoroughly wash the exposed area or wound on the licensee’s body with soap and water, and then disinfect the exposed area or wound with a topical antiseptic such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.

(3) Put on protective gloves.

(4) Thoroughly wash the exposed area or wound on the patron’s body with soap and water, and then disinfect the exposed area or wound with a topical antiseptic such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**Subchapter III — Licensure Through School or Through Apprenticeship, Examinations, and Licensing**

**SPS 50.300 Licensure through school.** (1) GENERAL. Schools that provide instruction to students for a barber’s or manager’s license shall develop curricula for instruction which are based on the applicable syllabus approved by the department. A school may not deviate from the hours listed for subjects in the appropriate syllabus included in this section.

**Note:** See chapters SPS 60 to 65 for requirements relating to licensing and corresponding regulation of schools of barbering.

(2) BARBER’S LICENSE SYLLABUS. The syllabus for the barber’s license is shown in Table 50.300-1.

**Table 50.300-1  
Barber's License Syllabus**

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Hygiene, grooming, and personal development.	5	0
II.	Bacteriology, sterilization, and sanitation.	15	10
III.	Tools, equipment, and implements.	3	10
IV.	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.	100	400
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching (lightening), and chemistry.	87	250
VI.	Shaving, beard and mustache shaping, trimming, men's facial, facial massages, and basic principles of electricity.	20	30
VII.	Anatomy and physiology of the hair, skin, and disorders of the hair, skin, scalp.	15	0
VIII.	Product knowledge, product use and sales, preparing and consulting with customer for services.	15	0
IX.	Laws, rules, professional ethics, and history of barbering.	18	0
X.	Individual student needs, industry trends and electives, such as recordkeeping, mathematics, communications, human relations, public relations, and first aid.	10	12
	<b>TOTAL HOURS:</b>	<b>288</b>	<b>712</b>

(3) **MANAGER'S LICENSE SYLLABUS.** The syllabus for a manager's license is shown in Table 50.300-2.

**Table 50.300-2  
Manager's License Syllabus**

	SUBJECTS	THEORY HOURS
I.	<u>Business management:</u> Retail management, advertising, and marketing. Time management. Computer applications.	50
II.	<u>Communication:</u> Communications. Salesmanship. Human relations.	50
III.	<u>Supervision:</u> Supervision and personnel. Leadership and motivation. Chemical and tool safety. Sanitation safety.	50
	<b>TOTAL HOURS:</b>	<b>150</b>

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.310 Licensure through apprenticeship.**

(1) **APPRENTICESHIP APPLICATIONS AND PERMITS.** (a) The owner of an establishment seeking to train an apprentice shall contact the department of workforce development or the department of safety and professional services for an apprenticeship application. The application shall be submitted to the department of workforce development.

**Note:** The apprenticeship application form is available on the Department's Web site at <http://dps.wi.gov>. After receiving and processing the application form, the DWD sends the form to the Department of Safety and Professional Services.

(b) An initial apprenticeship permit shall be issued by the department for a period of 3 years. The permit shall be extendable for one additional 1-year period upon submittal of all of the following:

1. Payment of a \$10 fee.
2. Notification to the department of safety and professional services from the department of workforce development of acceptable progress by the apprentice in theory instruction and practical training.

(c) An apprentice may not engage in any barbering work or attend school until a permit has been issued.

(d) 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 subch. II of ch. 454, Stats., and the rules of the department.

**Note:** Under section 454.26 (1) of the Statutes, every barber apprentice is also governed by section 106.01 of the Statutes and chapters DWD 295 and 296. Section 106.01 of the Statutes requires the Department of Workforce Development to also be a party to any contract under this paragraph.

(e) The owner or his or her designated agent shall provide the apprentice with the equipment necessary to learn all phases of practical barbering as listed in sub. (3) and keep records of all apprentice practical work hours.

(f) An apprentice seeking to transfer his or her apprenticeship contract to another establishment owner shall contact the department of workforce development or the department safety and professional services for transfer procedures. An apprentice may not transfer without prior approval of the department.

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

**Note:** The Department of Workforce Development (DWD) informs the Department of Safety and Professional Services (DSPS) whenever an apprenticeship contract is cancelled, and DSPS informs DWD whenever an apprenticeship permit is suspended.

(h) 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 department may deny the application or issue another apprenticeship permit under specified terms and conditions. The department may allow an apprentice credit for theory and practical training actually obtained under a previous permit.

(2) APPRENTICESHIP INSTRUCTION AND TRAINING. (a) Following issuance of an apprenticeship permit, an apprentice shall enroll in the first available course of theory instruction at a school of barbering and shall maintain acceptable attendance and progress in instruction and practical training. The owner or manager shall pay the apprentice for the hours of school attendance and

practical training.

(b) Schools that provide theory instruction for apprentices shall develop a curriculum based on the subjects and theory hours in Table 50.300-1.

(3) PRACTICAL TRAINING. (a) 1. The establishment owner with whom an apprentice contracts shall employ a manager to train and supervise the apprentice, except as provided in subd. 2. An apprentice shall only work under the supervision of a manager, except as provided in subd. 2.

2. A manager may delegate supervisory duty to a licensed barber who has completed at least 2,000 hours of licensed practice.

(b) Each apprentice shall receive at least 3,712 hours of training and experience in the practical services of barbering to qualify for the examination as a barber. Training and experience shall include the subjects and practical hours of training shown in Table 50.310.

**Table 50.310**  
**Apprentice Training and Experience**

	SUBJECTS	PRACTICAL HOURS
I.	Bacteriology, sterilization, and sanitation in the establishment.	70
II.	Haircutting, hair tapering (clipper cuts), razor cutting, hair styling, curling, thermal waving, finger-waving, roller setting, pin curl placement, blow-drying, shampoos, scalp and hair treatment, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs, and wefts.	1830
III.	Hair straightening, hair relaxing, thermal hair straightening, blowouts, permanents, hair coloring, tinting, bleaching (lightening), and chemistry.	250
IV.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, men's facial, and facial massages.	80
V.	General patron service and individual apprentice needs.	1,482
	<b>TOTAL PRACTICAL HOURS</b>	<b>3,712</b>

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.320 Transfers. (1) TRANSFER FROM A SCHOOL TO AN APPRENTICESHIP.** (a) Any student transferring from a school to an apprenticeship program shall be granted apprenticeship credit for school hours attained, at a ratio of one student theory hour to one apprentice theory hour, and one student practical hour to one apprentice practical hour.

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

(2) TRANSFER FROM AN APPRENTICESHIP TO A SCHOOL. Any apprentice transferring to a school program may be granted school credit for apprenticeship hours attained. The amount of credit that is granted shall be determined by the school.

(3) TRANSFER FROM A COSMETOLOGY APPRENTICESHIP TO A BARBERING APPRENTICESHIP. Any cosmetology apprentice regulated under chs. Cos 1 to 11 who transfers to a barbering apprenticeship shall be allowed to transfer all cosmetology apprenticeship hours that are related to barbering to the barbering apprenticeship, on a one-to-one basis.

**Note:** The Department of Workforce Development may grant transferees to an apprenticeship program credit for calendar time spent in prior training.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.330 Examinations. (1) ADMINISTRATION.** The department may do any of the following:

(a) Prepare, administer, or grade examinations.

(b) Approve, in whole or in part, an examination prepared, administered, and graded by a test service provider.

(2) COMPETENCY TESTING. (a) The department shall determine the subject matters for each license and design the examinations to test for minimum competence in the subjects tested.

(b) The department shall make available general information describing the competencies upon which the examination is based.

(3) FORM OF EXAMINATION. (a) *Barber.* An applicant for licensure as a barber shall complete a written examination and a practical examination.

(b) *Manager.* An applicant for licensure as a manager shall complete a written examination.

(4) PASSING SCORES. The passing score of the examinations for licensure as a barber or manager shall be based on the department's determination of the level of examination performance needed for minimum competence in the profession.

(5) UNAUTHORIZED ASSISTANCE. The department may deny a license to an applicant who gives or receives unauthorized assistance during the examination, or withhold the applicant's score, and may schedule the applicant for reexamination at a future time at the applicant's expense.

(6) FAILURE REPORTS. Upon failure of an examination, the department or its agent shall provide the applicant with a report showing the areas where deficiencies resulted in the failure.

(7) REEXAMINATION. An applicant may retake a failed written or practical examination, but only in its entirety.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.340 Licensing. (1) DIRECT LICENSING.** (a) An applicant for licensure as a barber shall satisfy the requirements in s. 454.23 (1) and (2), Stats.

**Note:** Sections 454.23 (1) and (2) of the Statutes read as follows: "(1) APPLICATION. An applicant for licensure under this section shall submit an application to the department on a form prescribed by the department.

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

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

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

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

(d) The applicant graduates from a course of instruction in barbering of at least 1,000 training hours in barbering in not less than 10 months in a school of barbering licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3) (ar), or a school that is exempted under s. 440.61 or the applicant successfully completes an apprenticeship under s. 454.26.

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

(b) An applicant for licensure as a manager shall satisfy the requirements in s. 454.23 (1) and (3), Stats.

**Note:** Sections 454.23 (1) and (3) of the Statutes read as follows: "(1) APPLICATION. An applicant for licensure under this section shall submit an application to the department on a form prescribed by the department.

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

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

(b) The person completes 4,000 hours of practice as a licensed barber or licensed cosmetologist under the supervision of a licensed barbering manager or licensed cosmetology manager or completes 2,000 hours of practice as a licensed barber or licensed cosmetologist and 150 training hours of theoretical instruction in barbering in a school of barbering licensed under s. 440.62 (3) (ag) or school of cosmetology licensed under s. 440.62 (3) (ar) or exempted under s. 440.61.

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

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

**Note:** The application forms under this subsection are available on the Department's Web site at [www.dsp.wi.gov/Home](http://www.dsp.wi.gov/Home).

**(2) RECIPROCITY OR ENDORSEMENT LICENSING.** Pursuant to s. 454.27, Stats., the department may grant a license to practice barbering without examination, to a person from another state provided that all of the conditions in either pars. (a) to (c) or (b) to (d) are met:

(a) The department has entered into a written reciprocal agreement with the licensing authority of another state, after determining that the education and services practiced are substantially equivalent to those in Wisconsin.

(b) The applicant holds a current license in the other jurisdiction.

(c) The applicant pays the appropriate fee as indicated in s. 440.05, Stats.

(d) The applicant has at least 4,000 hours of experience in licensed practice.

**(3) INACTIVE LICENSE.** (a) Any person who has been granted an inactive license, under s. 454.23 (6), Stats., may not receive compensation for barbering services and may not practice in a licensed barbering establishment.

(b) Activities permitted under this subsection include purchasing supplies—or cutting hair outside an establishment, without compensation, such as for a resident in a nursing home.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

#### Subchapter IV — Renewals, Reinstatement, and Continuing Education

**SPS 50.400 License renewal.** To renew a license, a licensee shall, on or before March 31st of every odd-numbered year, file with the department all of the following:

**(1)** An application for renewal on a form prescribed by the department.

**Note:** An electronic link to the renewal form is included in a renewal notice the Department sends to each licensee.

**(2)** The fee determined by the department under s. 440.03 (9) (a), Stats.

**(3)** Certification on the application for renewal that the licensee has, during the biennial reporting period immediately preceding application, complied with any applicable continuing education requirements in s. SPS 50.420.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.401 Late renewal.** If the application for renewal is filed after the deadline in s. SPS 50.400 but less than 5 years after the expiration of the applicant's last license, the applicant shall comply with the continuing education requirements in s. SPS 50.420, and pay the late renewal fee in s. 440.08 (3) (a), Stats., in addition to the renewal fee under s. SPS 50.400 (2).

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.402 Renewal that includes conversion from cosmetology.** Until March 31, 2015, an active cosmetologist, cosmetology manager, or cosmetology establishment licensed under chs. Cos 1 to 11 may convert to a barbering license upon request to the department and satisfaction of the applicable renewal requirements for barbering.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.410 Reinstatement of license.** If an application for restoring a license occurs 5 years or more after expiration of the applicant's most recent license, the applicant shall pass the examination specified in s. SPS 50.330 (3) prior to reinstatement of the license, no continuing education requirements apply to that reinstatement, and the fees listed in s. SPS 50.401 shall be submitted to the department. However, renewal of the reinstated license is subject to the continuing education requirements of this chapter.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.420 Continuing education requirements for license renewal.** **(1)** Beginning with the biennial reporting period that starts on April 1, 2013, every licensee shall complete a minimum of 4 continuing education credit hours during each biennial reporting period, except as provided in sub. (2).

**(2)** (a) A licensee is not required to complete continuing education credit hours between initial licensure and the first license renewal period.

(b) A licensee who has completed 8 years of practice as a licensed barber, or as a licensed cosmetologist under chs. Cos 1 to 11—or as initially one of these and then the other—is not required to satisfy any continuing education requirements for barbering.

(c) A licensee may complete an education examination conducted by the department, in lieu of the educational programs specified in sub. (6), provided a score of at least 70 is achieved on the examination.

**(3)** A cosmetologist who has been licensed for less than 8 years under chs. Cos 1 to 11 and who elects at the time of renewal in 2013 to be issued a barber license shall complete the continuing education hours for the 2015 renewal.

**(4)** A cosmetologist who has been licensed for less than 8 years under chs. Cos 1 to 11 and who elects at the time of renewal in 2015 to be issued a barber license shall complete the continuing education hours for the 2017 renewal.

**(5)** (a) If a licensee fails to satisfy the continuing education requirements within a biennial reporting period, continuing education credit hours acquired on or after April 1st of any odd-numbered year will be first applied to the preceding biennium until the requirement is fulfilled. Continuing education credit hours may not apply to more than one biennium.

(b) A licensee who fails to meet the continuing education requirements by March 31st of any odd-numbered year may not engage in the practice of a barbering until the license is renewed, except as provided in s. SPS 50.424.

**(6)** Continuing education credit hours shall be obtained through any of the following means:

(a) Attending seminars, corporate in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences, that meet the requirements of

s. SPS 50.421. Attendance may be in person or via remote classroom where a qualified provider is available to the participant to comment and answer questions.

(b) Teaching a continuing education program that meets the requirements of s. SPS 50.421. A person who teaches may only receive credit for the initial offering or presentation of a course or program during a biennium. Fifty minutes of actual instruction is equivalent to one continuing education credit hour.

(c) Participating in distance education that meets the requirements of s. SPS 50.421, including completion of interactive short courses or tutorials, delivery of educational programs and courses on CD-ROM or the Internet, or correspondence courses.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.421 Standards for continuing education programs.** (1) A continuing education training program shall meet all of the following:

(a) Include instruction in an organized method of learning contributing directly to the professional competency of the licensee and pertaining to subject matters that integrally relate to the practice of the profession. The instruction shall include amplification, evaluation, examples, and explanation of the course subject matter to the licensee.

(b) Be conducted by individuals or entities which have specialized education, training or experience, and which are qualified in the subject matter of the program.

(c) Include any of the following content:

1. Business management that may be utilized in the barber profession, which may include such courses as financial business planning, customer service, or computer courses.

2. Any topic covered in this chapter.

3. Any topic covering the principles and practices of barbering.

(d) Provide attendance or completion verification records in the form of completion certificates or other documents evidencing attendance at, or completion of, the continuing education training program. The certificate or other document shall include all of the following:

1. The name of the course.

2. The sponsor's name.

3. The student's name.

4. The date of completion.

5. The number of hours.

6. A signature from the instructor or provider.

(2) Continuing education programs offered by any of the following providers qualify for continuing education credit hours with no further approval needed from the department:

(a) Universities, technical colleges, and schools licensed by the appropriate authority for the state in which the program is offered.

(b) State-licensed or state-certified instructors who have not had any disciplinary actions taken against them in the 3-year period preceding their planned instruction.

(c) Product distribution companies, state-level or national-level professional organizations, national salon chains, or other providers, that offer programs with significant professional educational benefits for licensees.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.422 Certificate of completion, proof of attendance.** (1) Each licensee shall certify on the license renewal application that he or she fully complies with the continuing education requirements in this chapter.

(2) The department may conduct a random audit of its licensees on a biennial basis for assessing compliance with the continuing

education requirements in this chapter. It is the responsibility of each licensee to retain or otherwise produce evidence of compliance.

(3) If evidence of compliance is requested by the department or its designee, the licensee shall submit the requested information or documentation within 30 business days of receiving the written notice. Failure to do so may result in disciplinary action.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.423 Recordkeeping.** A licensee shall obtain a certificate of completion from the program provider for each continuing education training program completed. The licensee shall retain the certificates and any other required documentation for a minimum of 5 years.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.424 Waiver of continuing education requirement.** (1) A renewal applicant who is actively practicing in the profession and is unable to fully comply with the continuing education requirements due to temporary and extreme hardship, as determined by the department, may submit a written request for a waiver. The department or its designee will review the request, and in its sole discretion may grant a full or partial waiver, or an extension of time to comply with the requirements.

(2) A renewal applicant who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee, and provides a written statement setting forth the basis of the request, shall be deemed to be licensed and in good standing until the final decision on the application is issued by the department or its designee. If the waiver is denied and the license has expired, the applicant shall immediately discontinue engaging in the practice of barbering until the applicant meets the requirements of s. SPS 50.420 and submits evidence of compliance to the department or its designee.

(3) A renewal applicant may not receive a waiver under this provision for 2 consecutive biennia.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

## Subchapter V — Forfeitures

**SPS 50.500 Scope.** (1) The citation procedures in this subchapter may be used in an action to recover a forfeiture under s. 454.29 (3), Stats.

**Note:** The forfeitures under section 454.29 of the Statutes may be assessed against any license holder or applicant who has committed any of the offenses listed in the section, and can be up to \$1,000 for each separate offense. Each day of continued violation is a separate offense.

(2) The citation form provided under this subchapter may serve as the initial pleading for a disciplinary action and is adequate process to give the department jurisdiction over the credential holder, if the citation is served upon the credential holder.

**History:** EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.510 Citation for administrative forfeiture.** A citation under this subchapter shall be issued by one of the department's investigators and shall contain substantially all of the following information:

(1) The name, address, and credential number of the credential holder.

(2) The name and signature of the individual issuing the citation.

(3) A description of the violation alleged, the time and place of its occurrence, a statement that the respondent committed the violation, and the statute or administrative code provision violated.

(4) Notice that the credential holder may submit a response contesting the citation and requesting a hearing. The notice shall include the date and address for the timely submission of a



request, and shall state that the request for a hearing must be in writing.

(5) The forfeiture assessment requested by the department.

(6) A summary of the citation procedure, including the provisions for deposit and stipulation in lieu of an appearance before an administrative law judge or the department.

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.520 Service.** Service of a citation under this subchapter may be accomplished by mailing a copy of the citation to the credential holder at the last known address of the credential holder or by any procedure described in s. 801.14 (2), Stats.

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.530 Effect of payment.** The credential holder may deposit the amount of forfeiture identified in the citation by mailing the deposit and a copy of the citation to the division. Payment shall be treated as a plea of no contest and submission to an order of forfeiture, not to exceed the amount of the deposit.

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.540 Request for hearing. (1)** Within 20 calendar days of the date of service of the citation, the licensee may enter a plea contesting the violation cited and request a hearing on the alleged violation cited.

(2) A plea contesting a violation and requesting a hearing shall be in writing and submitted to the division. The submission shall

include a statement of the specific reasons why the licensee believes the forfeiture assessment and the grounds for assessment should be reviewed.

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.

**SPS 50.550 Default. (1)** If the credential holder does not make a deposit or otherwise respond to the citation in a timely fashion, the department may without further proceedings issue an order of default against the credential holder. A default order issued under this subchapter may assess a forfeiture, not to exceed the amount identified in the citation. Violation of an order issued under this subchapter may result in assessing a forfeiture, not to exceed the amount identified in the citation. Violation of an order issued pursuant to this subchapter may also result in a refusal to renew credentialing or additional disciplinary action.

(2) If the credential holder requests a hearing pursuant to s. SPS 50.540 but fails to appear at the hearing at the time scheduled, the credential holder is in default and the department may make findings and enter an order on the basis of the citation. The department may, for good cause, relieve the respondent from the effect of such findings and permit the respondent to answer and defend at any time before the department enters an order, or within a reasonable time.

Note: See sections 440.19 to 440.23 and 454.29 of the Statutes for other disciplinary proceedings and actions—such as administrative warnings, and suspension or revocation of a license, respectively.

History: EmR1302: emerg. cr., eff. 2-14-13; CR 13-026: cr. Register October 2013 No. 694, eff. 11-1-13.