158.14

s. 158.13; 1939 c. 431; 1951 c. 723; 1967 c. 118; 1969 c. 154; 1969 c. 368 s. 117 (1) (a).

Treatment of abnormal or pathological conditions of feet, such as corns, bunions, cal­

touses and like, is within the exclusive prov­

ince of licensed chiropodists and may not be

under taken by cosme logists. 30 Atty. Gen. 45.

One who gives an occasional permanent

wave to a friend at his home, without receiving or

expecting any compensation, is not engaged in

the practice of cosmetic art so as to require a


A licensed cosmetologist may not give body

massages unless licensed under 147.185, Stats.

1949. Ch. 159 does not prohibit the giving of

steam baths or body massages in beauty par­


A cosmetologist licensed under ch. 159,

Stats. 1961, may cut hair irrespective of the sex


159.14 History: 1925 c. 68 s. 2; Stats. 1925

s. 159.14; 1926 c. 431; 1951 c. 725; 1955 c. 896

s. 33; 1969 c. 366 s. 117 (1) (a).

159.15 History: 1925 c. 68 s. 2; Stats. 1925

s. 159.15; 1927 c. 196; 1939 c. 431; 1951 c. 725.

159.16 History: 1925 c. 68 s. 2; Stats. 1925

s. 159.16; 1927 c. 196; 1951 c. 723.

159.17 History: 1951 c. 723; Stats. 1951 s.

159.17.

CHAPTER 100.

Hotels, Restaurants and Vending

of Foods and Beverages.

160.01 History: 1913 c. 648; Stats. 1913 s.

1408m—10 sub. 1; 1917 c. 129; 1923 c. 448 s.

138; Stats. 1923 s. 160.01; 1925 c. 14, 454; 1937

s. 321; 1969 c. 112; 1945 c. 35; 1957 c. 115; 1961

c. 49, 530; 1963 c. 370; 1965 c. 150; 1969 c. 368

s. 115, 117 (1) (a).

Tourist cabins and cottages wherein sleep­

ing accommodations are offered for pay to

tourists or transients are tourist rooming

houses within 160.01 (4), Stats. 1945, regard­

less of whether such cabins are rented by the
day, week, month or season. 34 Atty. Gen. 340.

A tavern in which sandwiches are served to

patrons by delivering such sandwiches from a

sandwich shop requires a permit under the

provisions of ch. 160. A permit is also re­

quired in the event the proprietor of the tav­

ern purchases the sandwiches in wrapped

form and resells them. 34 Atty. Gen. 355.

A summer camp operated by a club, church,
or other organization for educational and rec­

reational purposes and which limits attend­

ance to members, or a private camp for the

same purpose which limits attendance to per­

sons selectively chosen in advance are not

"tourist rooming houses" within the meaning

of this section. However, such camps are sub­

ject to the statute where sleeping accommoda­

tions are furnished for tourists or transients.


The statutes do not provide a criminal

penalty for the act of signing a false or fic­
titious name to a guest register of a "tourist

camp," or "tourist rooming house." 38 Atty.

Gen. 311.

"Restaurant" as defined in 160.01 (2), Stats.

1961, does not include churches or clubs which

occasionally serve meals to organizations pur­

suant to previous arrangements on terms not

available to the public generally. 40 Atty.

Gen. 201.

"Lunch" and "meal" are defined in 44 Atty.

Gen. 289.

For discussion of the term "fraternal orga­
nizations" as used in 160.01 (2) and the need

for permits to occasionally serve or sell meals

see 49 Atty. Gen. 257.

Under ch. 160 the state board of health is

authorized to license a mobile food stand as a

restaurant and may limit the area of opera­

tion in the interest of public health and safety.

49 Atty. Gen. 196.

On license requirements relative to indus­

tory or private club or caterers serving food to

persons drawn from the general public see 51

Atty. Gen. 43.

160.02 History: 1913 c. 648; Stats. 1913 s.

1408m—10 sub. 2; 1928 c. 448 s. 130; Stats.

1935 c. 140; 1935 c. 117; Stats. 1937 s. 160.02, 160.10; 1943 c. 279 s. 40, 1943

c. 39; Stats. 1945 s. 160.02, 1953 c. 179; 1963 c.

46, 270, 431; 1969 c. 366 s. 117 (1) (a).

A restaurant license is not transferable from

one place to another. Restaurants and port­
able hotels at fairs must be licensed. 3 Atty.

Gen. 839.

Ice cream parlors, confectionary stores, etc.,

selling malted milk and refreshments in the

nature of light lunches, are not required to be

licensed as restaurants. 4 Atty. Gen. 1070.

The serving and selling of hermetically

sealed sandwiches is subject to the restaurant

permit law. 38 Atty. Gen. 349.

No restaurant permit is required under

160.02 (1) for preparation and sale of hot or cold food sold by the pount, quart, dozen, etc.,

by food stores, delicatessens, and catering

establishments. A catering establishment which prepares, serves, or sells food, hot or

cold, in the form of individual meals or

lunches at stated prices for such meals or

lunches, to transients or the general public,

must have a restaurant permit. 44 Atty. Gen.

289.

A restaurant permit issued to cover a res­

taurant in a building cannot be extended to

cover use of a mobile unit, which must have a

restaurant permit to sell and serve lunch and

meals to the general public. 51 Atty. Gen.

193.

Municipalities may regulate the sale of food

and beverage by vending machines, if the

ordinances do not conflict with but rather em­


160.025 History: 1963 c. 370; Stats. 1963 s.

160.025; 1969 c. 366 s. 117 (1) (a).

160.03 History: 1913 c. 648; Stats. 1913 s.

1408m—10 sub. 3; 1928 c. 448 s. 150; Stats.

1935 c. 160.03; 1929 c. 138; 1945 c. 35; 1953 c.

179; 1961 c. 530; 1965 c. 234, 270; 1968 c. 310;

1969 c. 154; 1969 c. 368 s. 117 (1) (a).

Revisor's Note: 1949 The amendment is

from 160.17. (Bill 70-S, s. 1.)

A city health department with full-time

personnel devoting their time to the activities

of that department during normal office hours
meets the requirements of 160.03 (5), Stats. 1935, whether the health officer serves full time or only part time. 42 Atty. Gen. 215.

Under 160.03 (5), Stats. 1935, the state board of health may issue checks only to cities and counties for inspections and investigational services of local health departments. No checks may be issued directly to the local health department. 45 Atty. Gen. 265.

160.04 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 4; 1923 c. 448 s. 130; Stats. 1923 s. 160.04; 1945 c. 35; 1963 c. 270; 1969 c. 368 s. 117 (1) (a).

Revisor’s Note, 1945: The amendment is from 190.14. (Bill 70-S, s. 4).

160.05 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 6; 1923 c. 448 s. 130; Stats. 1923 s. 160.05; 1945 c. 35; 1963 c. 270; 1969 c. 368 s. 117 (1) (a).

Revisor’s Note, 1945: The amendment is from 190.16. (Bill 70-S, s. 5).

On exercises of police power see notes to sec. 1, art. I, and on delegation of power see notes to sec. 1, art. IV.

By this section, the inherently declared purpose of ch. 160, Stats. 1939, including the licensing provisions contained in 160.52, is protection of the public health and safety. State ex rel. F. W. Woolworth Co. v. State Board of Health, 237 W 638, 298 NW 183.

160.055 History: 1949 c. 440; Stats. 1949 s. 160.055; 1960 c. 276 s. 584 (1) (b).

160.06 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 6; 1923 c. 448 s. 130; Stats. 1923 s. 160.06; 1945 c. 35; 1963 c. 270; 1969 c. 368 s. 117 (1) (a).

Revisor’s Note, 1945: The amendment is from 190.18. (Bill 70-S, s. 6).

160.07 History: 1947 c. 426; Stats. 1947 s. 343; 1959 c. 696 s. 63; Stats. 1955 s. 160.07; 1961 c. 166.

160.08 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 9; 1923 c. 448 s. 130; Stats. 1923 s. 160.08; 1945 c. 35; 1969 c. 366 s. 117 (1) (a).

160.09 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 11; 1923 c. 448 s. 130; Stats. 1923 s. 160.09; 1945 c. 35; 1969 c. 366 s. 117 (1) (a).

160.10 History: 1913 c. 649; Stats. 1913 s. 1408m—10 sub. 11; 1923 c. 449 s. 130; Stats. 1923 s. 160.10; 1945 c. 35; 1969 c. 276 s. 584 (1) (b).

160.21 History: 1937 c. 112; Stats. 1937 s. 160.21; 1945 c. 35; 1969 c. 366 s. 117 (1) (a).

Revisor’s Note, 1945: 160.21 is made general. Doubles the board could always revoke hotel permits for cause. (Bill 70-S, s. 17.)

The state board of health may refuse to issue or renew a restaurant permit where the requirements of the statutes and rules of the board have not been met, and such annual permits may likewise be suspended or revoked at any time for proper cause in the manner provided by the rules of the board. 39 Atty. Gen. 160.

160.22 History: 1937 c. 112; Stats. 1937 s. 160.22; 1943 c. 376 s. 62; 1945 c. 35; 1969 c. 366 s. 117 (1) (a).

160.31 History: 1964 c. 318; R. S. 1787 s. 1725; Stats. 1969 s. 1725; 1923 c. 479; 1923 c. 391 s. 2; Stats. 1923 s. 131.01; 1945 c. 35; Stats. 1945 s. 160.31; 1953 c. 61.

Revisor’s Note, 1945: At the suggestion of the board the law is changed as to the number of notices required. In modern parlance “hoteldesk” has supplanted “innkeeper.” See 160.01. (Bill 70-S, s. 21)

160.32 History: 1913 c. 479; Stats. 1913 s. 1725a; 1923 c. 281 s. 3; Stats. 1923 s. 131.02; 1945 c. 35; Stats. 1945 s. 160.32; 1969 c. 366 s. 117 (1) (a).

160.33 History: 1964 c. 318 s. 2; R. S. 1787 s. 1726; Stats. 1969 s. 1726; 1923 c. 479; 1923 c. 391 s. 3; Stats. 1923 s. 131.03; 1945 c. 35; Stats. 1945 s. 160.33.

The statutory limitation of liability to $10 “for each box, bundle or package and contents, so placed under his care,” does not apply to a package of goods such as a chamois bag containing jewelry. Busley v. Hotel Wisconsin R. Co. 166 W 294, 164 NW 826.

160.34 History: 1906 c. 198 s. 1; 2; Suppl. 1906 s. 1727; 1911 c. 663 s. 305; 1923 c. 291 s. 3; Stats. 1923 s. 131.04; 1945 c. 35; Stats. 1945 s. 160.34; 1957 c. 57.

160.36 History: 1915 c. 77; Stats. 1915 s. 1727; 1921 c. 524; 1923 c. 291 s. 3; Stats. 1923 s. 131.06; 1945 c. 35; Stats. 1945 s. 160.36; 1969 c. 366 s. 117 (1) (a).

Revisor’s Note, 1945: The law is not changed except by eliminating the requirement in old 131.06 (1) that a schedule of rates of all rooms, with the number of each room and the price charged for each, must be displayed in the hotel lobby. This requirement is impractical, is not compiled with in practice, and its repeal is suggested by the supervisor of the hotel and restaurant division of the state board of health. (Bill 70-S, s. 20)

160.37 History: 1957 c. 216; Stats. 1957 s. 160.37.

CHAPTER 161.

Narcotics and Dangerous Substances.

161.01 History: 1969 c. 384; Stats. 1969 s. 161.01.

161.01 History: 1925 c. 306; Stats. 1925 s. 161.01; 1941 c. 271; 1945 c. 47; 1955 c. 657; 1963 c. 97; 1969 c. 396 s. 176; 1969 c. 366 s. 117 (1) (j), (3) (a); 1969 c. 364.

Editor’s Note: For foreign decisions construing the “Uniform Narcotic Drug Act” consult Uniform Laws Annotated. Paregoric is a narcotic drug. Browne v. State, 24 W (2d) 491, 129 NW (2d) 175, 131 NW (2d) 189.

161.02 History: 1935 c. 306; Stats. 1935 s. 161.02; 1951 c. 370; 1955 c. 666; 1955 c. 116; 1959 c. 398; 1961 c. 477; 1969 c. 366 s. 117 (2) (b).

On exercises of police power see notes to sec. 1, art. I.