

## Chapter Cos 3

## ESTABLISHMENTS AND INSPECTIONS

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**Note:** Chapter BC 3 was renumbered ch. Cos 3 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 3.01 Establishment requirements.** (1) Cosmetology, aesthetics, electrology, and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. Cos 2.045. Establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, shall at all times be in good repair and maintained in an orderly and sanitary condition.

(3) If public drinking facilities are provided, disposable drinking cups or a drinking fountain shall be available.

(4) All floor coverings in an establishment shall be kept in a clean, orderly and safe condition. Loose hair shall be removed regularly and placed in a closed container.

(5) A toilet room shall not be used as a dispensary or for the providing of services.

(6) Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored in public areas shall be locked in a cabinet or closet.

(7) Plastic or metal containers of adequate size shall be provided to store all soiled linen. All soiled linen shall be properly cleaned in compliance with s. Cos 4.02 (6) or disposed of after use.

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

(9) No smoking shall be allowed in areas of an establishment where flammable products or materials are being used or stored.

(10) Pets shall not be kept in an establishment during business hours.

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

(12) Establishments shall provide a basin which has hot and cold running water, and a chair which 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.

(13) The establishment license shall be posted in the establishment.

(14) All facilities shall be equipped with a ventilation system adequate to comply with minimal occupational safety and health standards.

**Note:** See section s. SPS 364.0401 to 364.0404, Wisconsin administrative code.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2) and (4), cr. (12), Register, December, 1990, No. 420, eff. 1-1-91; emerg. am. (12), eff. 8-8-91; am. (12), Register, February, 1992, No. 434, eff. 3-1-92; am. (2), (5) and (11), Register, May, 1993, No. 449, eff. 6-1-93; r. (2), am. (5), (6) and (12) and cr. (13) and (14), Register, May, 1999, No. 521, eff. 6-1-99; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1999, No. 521; CR 05-118: am. (7) Register November 2006 No. 611, eff. 12-1-06; corrections in (1), (7), (8) made under s. 13.92 (4) (b) 6., 7., Stats., Register February 2013 No. 686.

**Cos 3.02 Other establishment requirements.** (1) **MANAGER REQUIRED.** The owner of a cosmetology establish-

ment shall not operate the establishment unless a licensed manager has been employed for the establishment, subject to the exception for temporary unavailability of a manager in s. Cos 2.06 (5). 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 ch. 454, Stats., and rules of the board as follows:

(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 as defined in s. Cos 1.01 (7).

(b) The owner of a cosmetology 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 as defined in s. Cos 1.01 (7) at each establishment where he or she is employed as manager.

(c) A manager is required to be present in an establishment full time, as defined in s. Cos 1.01 (7), but 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 owner may lease a chair or booth to a licensed individual as follows:

(a) A lease agreement shall be in writing.

(b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a manager's and an establishment license. Lessees of chairs or booths leased prior to the effective date of this paragraph shall come into compliance with this paragraph by October 1, 2004.

**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.

(3) **SEPARATE ESTABLISHMENT LICENSES FOR ELECTROLOGY.** A cosmetology establishment may offer any specialty service under their license, except any licensed establishment that offers electrology shall obtain a separate electrology establishment license.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; r. and recr., Register, May, 1999, No. 521, eff. 6-1-99; CR 02-058: am. (1) (intro.), r. and recr. (2) (b) Register September 2003 No. 573, eff. 10-1-03; CR 05-118: am. (1) (a) to (c) Register November 2006 No. 611, eff. 12-1-06; corrections in (1) (intro.), (a) to (c), (3) made under s. 13.92 (4) (b) 6., 7., Stats., Register February 2013 No. 686.

**Cos 3.04 Establishment applications.** (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. Cos 3.06 (2), the person shall submit an application to the board on a form specified by the board.

(2) The board shall require identification of the owner, business address, manager, type of business, and a copy of the floor plan showing dimensions and required equipment, in addition to other information which may be needed to approve the issuance of a license.

(3) Upon approval of the application and issuance of the license in the establishment, 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 and subject the applicant to penalties as indicated in s. 454.16, Stats.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2), Register, May, 1993, No. 449, eff. 6-1-93; am. (1), (2) and (3), Register, May, 1999, No. 521, eff. 6-1-99; CR 02-058: am. (1) Register September 2003 No. 573, eff. 10-1-03; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686.

**Cos 3.05 Inspections.** (1) Inspections by field representatives or agents of the board may be conducted to assure compliance with ch. 454, Stats., and chs. Cos 1 to 6.

(2) Upon notification of violation, licensees shall respond within 5 days either by notifying the board of correction of the violation or presenting a proposed plan of correction for board approval.

(3) Failure to respond to a notice of violation, or to comply

with a plan of correction approved by the board, is unprofessional conduct.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; r. (1), renum. (2) to (4) to be (1) to (3), Register, May, 1993, No. 449, eff. 6-1-93; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686.

**Cos 3.06 Change of ownership or location.**

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

(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 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 chair or booth.

**History:** Cr. Register, May, 1999, No. 521, eff. 6-1-99; CR 02-058: am. (2) Register September 2003 No. 573, eff. 10-1-03; CR 05-118: am. (2) Register November 2006 No. 611, eff. 12-1-06.