CHAPTER 159

COSMETOLOGY LAW

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159.01 Definitions, limitations, exceptions. In this chapter:

- (1) "Cosmetology" means any one or combination of practices generally performed by beauty culturists, cosmeticians, cosmetologists or hairdressers and shall include but not be limited to: Arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring or similar work upon the hair of any person by any means, with hands or mechanical apparatus, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise; massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, shoulders or hands; manicuring the nails of any person; or the removal of hair
- (2) "Cosmetologist" means a person who practices cosmetology while holding a current license. The holder of a manager's, beauty operator's or instructor's license shall have the right and privilege to place the initials "R. C." immediately following his name to designate him as a registered cosmetologist.
- (3) "Beauty salon" embraces and includes any establishment or place of business wherein cosmetology is practiced "Electrolysis salon" is any establishment or place of business wherein electrolysis only is practiced.
- (4) "Manager" or "managing cosmetologist", as used in this chapter, is defined as any person who has direct supervision over operators or apprentices in a beauty salon.
- (5) "Operator" is any person who is not a manager, itinerant or apprentice cosmetologist, who practices cosmetology under the direction and supervision of a managing cosmetologist.
- (6) "Itinerant cosmetologist" is any person who practices cosmetology outside of a beauty salon either in going from house to house or from place to place at regular or irregular intervals, within any one municipality.
- (7) "Manicurist" is any person who, for compensation, either directly or indirectly or in

the expectation thereof practices cosmetology limited to the hands and nails

- (8) "Apprentice" is any person who is not a manager, itinerant cosmetologist, operator, or student who is engaged in learning and acquiring the practice of cosmetology under the direction and supervision of a licensed managing cosmetologist "Student" is any person engaged in learning cosmetology in a licensed school of cosmetology
- **(9)** A "school of cosmetology" is a school established under the provisions of section 159.02
- (9a) "Department" means the department of health and social services
- (10) Licenses to practice cosmetology shall not confer upon the holders thereof the right to diagnose, prescribe for or treat diseases or conditions other than those indicated in the definition of cosmetology contained in subsection (1) of this section, except that licensed cosmetologists may, under direction of a duly licensed and practicing physician, give treatments for conditions of the skin other than as indicated in subsection (1) of this section, as specified by such directing physician.
- (11) The provisions of this chapter shall not apply to:
- (a) Persons authorized under the laws of this state to practice medicine and surgery and the branches thereof, podiatrists, masseurs, hospital attendants, embalmers, nurses and student nurses
- (b) Barbers duly licensed under the laws of this state, in the performance of the usual and ordinary duties of their vocation.
- (12) "Electrologist", as used in this chapter, is any person who removes hair from the human body by the use of electricity
- (13) "Instructor", as used in this chapter, is any person who gives instruction or training in theory or practical cosmetology to apprentices or students other than in a beauty salon.

(14) "Training hour" means 60 clock minutes of instruction, except that breaks of not more than a total of 30 minutes in any one day may be allowed as training time by rule of the department.

History: 1973 c 295

The legislature cannot constitutionally prohibit a cosmetologist from cutting a man's hair 60 Atty Gen 376.

- 159.02 Schools teaching cosmetology; curriculum; requirements; regulation. (1) No person may operate a school for the purpose of teaching cosmetology for compensation unless a proper certificate of registration has been obtained from the department.
- (2) Application for such certificate shall be filed with the department in such form as the department prescribes. No school for teaching cosmetology shall be granted a certificate of registration unless it employs and maintains a sufficient number of instructors regularly as such who shall hold an instructor's license.
- (3) No school teaching cosmetology shall be granted a certificate of registration unless it requires as a prerequisite to graduation a course of instruction of not less than 1,500 training hours to be completed within a period of at least 9 months or an equivalent period if credit is given for prior related training. Such instruction shall not exceed 8 hours in any one day. The course of instruction shall include subjects prescribed by the department.
- (4) No school holding a certificate of registration from the department shall enroll or admit any student unless such student shall make and file with the department a duly verified application in a form to be prepared and furnished by the department
- (5) A school shall provide its students with subjects for practical work. No school shall advertise for patrons to be used in clinical work.
- (6) Any school teaching cosmetology shall display or cause to be displayed in its entrance, waiting room and in the rooms where patron public service is given, a sign furnished by the department, indicating that all work therein is done exclusively by students
- (7) The biennial renewal fee for a certificate of registration for a school to teach cosmetology shall be not less than \$400 for all schools holding a certificate of registration. Applicants for a new certificate of registration shall accompany their application with a fee of \$1,200. The application fee shall include the fee for the first certificate of registration if the application is granted. The biennial fee for a certificate of registration shall be paid on or before November 30, biennially; after that date an additional fee of \$50 shall be paid.
 - (8) Any person may receive a student permit:

- (b) Who is of good moral character and temperate habits;
- (c) Who is in good physical and mental condition;
- (d) Who, as shown by certificate or affidavit, has completed the 12th grade or its equivalent as determined by the extension division of the university of Wisconsin, or has reached the age of 18, or who is engaged in a vocational education program which uses the cooperative educational method or similar program approved by the department of public instruction; and
- (e) Who attends a school teaching cosmetology which has a certificate of registration from the department

History: 1973 c 295

- 159.03 Supervision by the department; regulations. (1) The department shall enforce this chapter and shall prescribe and enforce rules governing beauty and electrolysis salons, and public and private schools teaching cosmetology and for the examining and licensing of managers, operators, manicurists, electrologists and instructors and the registration of apprentices and students, and shall make and enforce rules governing sanitary and hygienic conditions surrounding the practice of cosmetology and the conduct and operation of beauty and electrolysis salons and schools of cosmetology
- (2) The department shall keep a record of all students, registered apprentices, licensed managers, operators, itinerant cosmetologists, manicurists, electrologists and instructors and a record of its proceedings relating to issuances, refusals, renewals, suspensions and revocations of each license with the name, place of business and residence of each licensee and certificate and permit holder. These records shall be open to the public inspection at all reasonable times.
- (3) If a beauty or electrolysis salon or school teaching cosmetology be found insanitary or if any person working therein be charged with imparting a communicable disease the department may immediately order the local health officer to close such beauty salon or school and the person so charged shall not practice or teach cosmetology until authorized to do so by the department
- (4) The department may on its own or in cooperation with vocational, technical and adult education schools conduct educational meetings, seminars, lectures or demonstrations open to those licensed or who hold permits under this chapter for the purpose of promoting the standards of the practice of cosmetology in this state. Qualified lecturers or demonstrators may be employed for this purpose outside the classified service.

History: 1971 c 154s 79 (3); 1973 c 295

- 159.05 Council on cosmetology; inspectors. (1) The council on cosmetology shall recommend rules and regulations pertaining to the administration of the laws relating to cosmetology for the consideration of the state health officer.
- (2) The department shall appoint, under the classified service, field inspectors who shall have been engaged in the practice of cosmetology in this state as licensed cosmetologists for the last 3 years immediately preceding their appointment. Such field inspectors shall devote their time to inspecting beauty and electrolysis salons and schools of cosmetology and in the performance of such other duties as are assigned by the department in connection with this chapter, and may enter any beauty and electrolysis salon or school of cosmetology during reasonable business hours for the purpose of inspection. In addition, the department may appoint, under the classified service, such investigators as are required, whose qualifications shall be established jointly by the department and the director of personnel, to carry out investigations as assigned by the department. Such investigations shall be initiated only on the basis of a request or directive signed by the state health officer, a department field inspector or upon a verified complaint of a citizen Investigators shall not initiate investigations except in the manner provided in this subsection.

History: 1973 c 295

- 159.06 Examinations. (1) Examinations for the licensing of managers, operators, manicurists, instructors and electrologists shall be held by the department at least 4 times a year at such times and in such places as shall be determined by the department. All applicants for examination shall complete the requirements necessary to obtain a license, other than the examination, before being eligible for such an examination.
- (2) The examination of applicants for manager's, operator's, manicurist's, instructor's and electrologist's licenses shall include such tests as the department by rule deems fit.
- (3) The state health officer shall prescribe rules for the conduct of such examinations.

 History: 1973 c. 295
- 159.07 Itinerant cosmetologists; new licenses prohibited. After September 16, 1939 no new licenses shall be issued for itinerant cosmetologists, but licenses in effect at said time may be renewed as provided in this chapter.
- 159.08 Applications for licenses; requirements. (1) All applications for licenses under this chapter shall be filed with the department.

- No license may be issued unless the applicant presents proof that he is of good moral character, in good physical and mental health, and has completed the 12th grade or its equivalent as determined by the extension division of the university of Wisconsin or has reached the age of 18. All applications for examination shall be on file in the office of the department at least 3 weeks prior to the examination. Failure to have the application on file within the required time may necessitate postponement of the applicant's appearance to the next regular examination. All applications shall expire and be canceled after a period of one year if the applicant fails to appear for examination within such period. All fees for original licenses except cosmetology school certificates shall be prorated on the basis of onetwenty-fourth of the fee for each month remaining in the license period
- (2) A manager's license shall be issued only to one:
- (b) Who has practiced cosmetology 4,000 hours in a period of at least 2 years under an operator's license in this state.
- (c) Who has satisfactorily passed an examination conducted by the department to determine his fitness to practice as a managing cosmetologist.
- (2a) The fee to be paid by an applicant for an examination to determine his fitness to receive a manager's license shall be \$20. If a license is issued the fee for said license shall be \$20.
- (4) An operator's license shall be issued to one:
- (a) Who has successfully completed an apprenticeship as prescribed by s. 159 12, or who has graduated from the course prescribed by s. 159 02 in a registered school of cosmetology.
- (b) Who has satisfactorily passed an examination conducted by the department to determine his fitness to practice cosmetology
- (4a) The fee to be paid by an applicant for an examination to determine his fitness to receive an operator's license shall be \$15. If a license is issued the fee for said license shall be \$12.
- (6) Any cosmetologist or electrologist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, who can provide evidence satisfactory to the department that he has met requirements substantially comparable to the requirements of this state may be licensed as follows:
- (a) As an operator upon satisfactorily passing an examination conducted by the department to determine his fitness to practice as an operator or upon providing evidence satisfactory to the department of having practiced as an operator for at least 4,000 hours during a 6-year period

immediately prior to the application for license in this state

- (b) As a manager upon satisfactorily passing an examination conducted by the department to determine his fitness to practice as a manager or upon providing evidence satisfactory to the department of having practiced as a manager for at least 8,000 hours during a 6-year period immediately prior to application for license in this state and satisfactorily passing an examination on the law and rules governing cosmetology in this state.
- (c) As an electrologist upon satisfactorily passing an examination conducted by the department to determine his fitness to practice as an electrologist, or upon providing evidence of at least 2,000 hours of experience as a practicing electrologist in another state. Credit may be granted on the basis of not more than 100 hours for each month of experience.
- (6m) No license to practice that branch of cosmetology, involving the use of the electric needle for the removal of superfluous hair, may be issued unless special application therefor is made to the department showing that such applicant:
- (a) Is of good moral character and temperate habits;
 - (b) Is in good physical and mental condition;
- (c) As shown by certificate or affidavit, has completed the 12th grade or its equivalent as determined by the extension division of the university of Wisconsin, or has reached the age of 18;
- (d) Has completed a course of training of at least 350 hours over a period of at least 10 consecutive weeks in a licensed school of cosmetology that teaches electrology and under the supervision of a licensed instructor who holds a current electrologist license, or in a school of electrology under the supervision of a licensed electrologist, or is licensed as a cosmetologist and provides evidence of 100 hours of training in at least 3 consecutive weeks in a school of electrology or school of cosmetology that trains electrologists, or serves as an electrologist trainee for at least 8 consecutive weeks of at least 35 hours per week in a licensed beauty or electrolysis salon under the supervision of a licensed electrologist
- (e) Has satisfactorily passed an examination conducted by the department to determine his fitness to practice as an electrologist. The fee to be paid by an applicant to take the electrologist examination is \$20. If a license is issued, the fee for said license is \$20.
- (f) This section shall not apply to those persons licensed in this state as electrologists or eligible for renewal thereof as of June 16, 1974

- (7) Applicants for a manicurist's license shall be at least 18 years of age; shall have completed a course of instruction of at least 200 hours in not more than 3 months under the supervision of a licensed instructor in a school of cosmetology or under the supervision of a licensed manager in a beauty salon. No license may be issued to an applicant unless he has successfully passed an examination conducted by the department to determine his fitness to practice as a manicurist. The fee to be paid by an applicant to take the manicurist's examination shall be \$10. If a license is issued, the fee for the license shall be \$12.
- (7m) The department may grant a permit to practice manicuring in a licensed barbershop to any person licensed as a cosmetologist in this state.
- (8) The department may grant a temporary permit to practice as an operator, manicurist, manager or instructor without examination if the applicant meets all the other requirements of this state for licensure and has graduated from a registered school of cosmetology in this state; or is fulfilling his reciprocity requirements under sub (6); or is otherwise eligible for licensure under sub. (6) (a). Each temporary permit shall be valid for not more than 4 months. No more than 3 such temporary permits shall be issued to any one applicant for any one license. The fee for each temporary permit is \$10 payable at the time that the application is submitted and this fee is in addition to all other fees required under this section, except that the first operator's permit issued to graduates of schools of cosmetology of this state shall be without charge.
- (9) Applicants for a junior instructor's permit shall be high school graduates, or have an equivalent education as determined by the extension division of the university of Wisconsin, have had at least one year of full-time experience as a cosmetologist and shall complete a minimum of 500 hours of instruction and supervised practice in teaching methods; or shall be high school graduates, or have an equivalent education as determined by the extension division of the university of Wisconsin, licensed as a cosmetologist and shall complete a minimum of 1,000 hours of instruction and supervised practice in teaching methods in accordance with rules established by the department. The fee for a junior instructor's permit shall be \$10. The permit shall be issued for a one-year period beginning with the date of issuance and may be renewed for one additional year upon application and payment of the fee of \$10 Applicants for an instructor's license shall be high school graduates, or have an equivalent education as determined by the extension division of the university of Wisconsin, have had

at least 3 years' experience as a cosmetologist and have been licensed as a managing cosmetologist at least one year, or have completed the junior instructor course or an equivalent training as determined by the department, and shall pass such examination as the department deems fit. The fee to be paid by an applicant to take the instructor's examination shall be \$20. If a license is issued, the fee for said license is \$20. All persons holding instructor's licenses shall within each 3-year period provide evidence of having completed a minimum of 50 hours of in-service training designed to contribute to their professional growth and development as an instructor. The holder of an instructor's license shall have the rights allowed those holding a manager's

- (10) The subjects of hygiene, histology, anatomy, elementary chemistry and other related subjects as may be designated by the department may be taught in schools of cosmetology by persons holding a certificate or license from the department of public instruction authorizing them to teach those subjects in public high schools in Wisconsin, or by vocational, technical and adult education school teachers whose classification status for those subjects is approved by the board of vocational, technical and adult education, or by other persons approved by the department, and such persons shall not be required to hold an instructor's license.
- (11) In case an applicant for licensure under this chapter fails to pass an examination he shall be entitled to one further examination without the payment of any additional fee. Such examination shall be only in such subjects in which the applicant failed in the first examination. Such re-examination shall be taken not more than one year from the date of the original examination.

History: 1971 c. 154s. 79 (2); 1971 c. 213s. 5; 1973 c. 295. An alien is eligible for a manager's license in cosmetology even though his training was in a foreign country which had no citizenship requirement. 60 Atty. Gen. 280.

159.09 Beauty salon and electrolysis salon licenses. (1) No person may operate a beauty or electrolysis salon unless such salon is licensed by the department. Such licenses shall be renewed biennially and shall designate the particular premises licensed.

(2) Before any such license is issued the department shall require sworn proof of ownership of the beauty or electrolysis salon business in such form as it may prescribe, and the owner shall pay the required fee. Such licenses and renewals shall expire on November 30 of the odd-numbered years and the licenses shall not be transferable. Changes of ownership of any beauty or electrolysis salon shall be reported to

the department by the manager of such salon within 5 days after such change of ownership.

- (3) The department shall establish minimum standards through rules and regulations pertaining to the maintenance, equipment and plans and specifications for beauty and electrolysis salons as they relate to the public health and safety. No premises shall be licensed for use as such a salon unless it meets the standards established by the department. Any person proposing to open such a salon in a new location shall first make application to the department for an inspection and approval of the premises, submitting an exact description and floor plan of the proposed location of the premises on a form prescribed by the department accompanied by an inspection fee of \$20
- (4) Any license granted under authority of this section may be revoked as provided in s 159.14, for violating any of the foregoing provisions or if any of the regulations of the department are not complied with in the operation of a licensed beauty or electrolysis salon.
- (5) The fee for a beauty or electrolysis salon license shall be \$40. This fee is to apply to all such salon licenses, including transfers of ownership.

History: 1973 c 295

159.10 Persons formerly licensed. Any person who held a Wisconsin license as a manager, operator, instructor, electrologist or manicurist and who failed to renew such license on or before the date of its expiration may renew the license after passing such examinations as may be required by the department, or by providing evidence of at least 8 hours of inservice training for each year in which the license was not renewed and by paying such fees as would have been paid had the license been renewed each year in addition to one late fee. The fee shall not exceed 5 times the biennial license fee for any renewal.

History: 1973 c. 295

- **159.11** Licenses and certificates; terms of license. (1) The department shall furnish a card in such form as it shall determine, bearing the seal of the department and the signature of its secretary, to each:
- (a) Apprentice, student, operator, manager, manicurist, instructor and electrologist certifying that the holder is entitled to practice cosmetology, manicuring or electrolysis and such license shall be posted in a conspicuous place in the salon or school
- (b) Beauty and electrolysis salon certifying that the owner is entitled to conduct such a salon at the address indicated on the license. Such

license shall be posted in a conspicuous place in the said salon by the licensee

- (2) No license may be for a longer period than 2 years. All licenses shall expire on November 30 of the odd-numbered years. Apprentices' permits shall expire at the end of 3 years from the date of issue.
- (3) All applications for the renewal of licenses as a manager, operator, manicurist, itinerant cosmetologist, electrologist or instructor shall be made biennially on or before November 30 accompanied with the proper fee therefor.
- (a) The renewal fee for a manager's license shall be \$20 if the application is made on or before November 30 biennially; after that date an additional fee of \$10 shall be paid
- (b) The renewal fee for an itinerant's license shall be \$40 if the application is made on or before November 30 biennially; after that date an additional fee of \$10 shall be paid.
- (c) The renewal fee for an operator's license shall be \$12 if the application is made on or before November 30 biennially; after that date an additional fee of \$6 shall be paid.
- (d) The renewal fee for a manicurist's license shall be \$12 if the application is made on or before November 30 biennially; after that date an additional fee of \$6 shall be paid
- (e) The fee for an apprentice's permit shall be \$5.
 - (f) The fee for a student's permit shall be \$5.
- (g) The renewal fee for a beauty or electrolysis salon license shall be \$40 if the application is made on or before November 30 biennially; after that date an additional fee of \$20 shall be paid.
- (h) The renewal fee for an instructor's license shall be \$20 if the application is made on or before November 30 biennially; after that date an additional fee of \$20 shall be paid
- (i) The renewal fee for an electrologist's license shall be \$20 if the application is made on or before November 30 biennially; after that date an additional fee of \$20 shall be paid.

History: 1973 c. 295.

- **159.12** Apprenticeship; experience required. (1) Any person may become an indentured apprentice and receive an apprentice's registration card:
- (b) Who is of good moral character and of temperate habits
- (c) Who has shown by affidavit or certificate that he has completed the 12th grade or its equivalent as determined by the extension division of the university of Wisconsin or has reached the age of 18
- (2) Apprentices must practice for at least 4,000 hours in a period of not less than 2 years or

an equivalent period if credit is given for prior related training before they are eligible to make application to take the examination for Apprentices shall operator's license supervised and given instruction by a manager or his qualified designee in all branches of practical work and in the subjects required to be taught in schools of cosmetology as prescribed by the department. The department may terminate an apprenticeship where there is evidence that the requirements of the department are not being met. No apprentice or operator may practice cosmetology unless under the supervision and direction of a licensed manager, except that the manager may designate a temporary replacement who meets the requirements of s. 159.08 (2) (b) and is approved under rules of the department. No apprentice or operator may be the owner, manager, director, lessee or have any financial interest in a beauty salon in which he is employed

(3) All apprentices regardless of age shall be indentured and shall be governed by s. 106.01 and apprenticeship rules of the department of industry, labor and human relations and the department.

History: 1973 c 295

- 159.13 Practice. (1) No person may engage in the practice of cosmetology unless he holds a license issued by the department. No cosmetology license is required for personal care type cosmetology services performed in hospitals or licensed nursing homes under the supervision and direction of a person responsible for patient care.
- (2) Licenses shall be issued only to such persons who possess the requisite skill and knowledge as cosmetologists. Cosmetologists shall have sufficient knowledge concerning the common diseases of the face and scalp to avoid aggravation and spread of disease in the practice of their profession. Managing cosmetologists, electrologists, instructors, manicurists and itinerant cosmetologists shall notify the department of change of address within 5 days thereof.

 History: 1973 c 295

159.14 Investigations, hearings, suspensions, nonrenewals and revocations. (1)

The department may make investigations or conduct hearings to determine whether there is probable cause to believe a violation of this chapter or any rule adopted under this chapter exists.

(2) Upon a finding that probable cause exists, the department shall give the holder of the certificate, license or permit written notice of the specific statute or rule alleged to be violated. The department by rule may establish time limits

within which any violation of the chapter shall be corrected. The party receiving the notice may demand a hearing within time limits specified by the department for correction of any alleged violation.

violation or to demand a hearing the department may suspend a certificate, license or permit for a period not to exceed 60 days and a copy of the notice of the suspension shall be served upon the person by personal service or by certified mail to his last-known business address. The person so served shall file his answer within 10 days after receipt of such notice.

(4) Upon receipt of a timely request, the department shall set the matter for hearing as promptly as possible and within 60 days after the date of request for hearing. Any party may appear at the hearing in person or by his

attorney.

(5) The department may revoke, suspend or refuse to renew, in accordance with the severity of the violation, any certificate, license or permit issued under this chapter if it finds the holder of such certificate, license or permit has:

(a) Made a material misstatement in the application for certification, license or permit or

the renewal thereof;

- (b) Failed to correct or take substantial steps approved by the department to correct an alleged violation of any valid sanitary or other rule of the department within the proper time limit following notification by the department of such violation;
- (c) Been convicted of a crime which in the judgment of the department may be detrimental to the welfare of persons affected by this chapter;
- (d) Continued practice while knowingly having an infectious, contagious or communicable disease;
- (e) Advertised in a manner which significantly misleads persons affected by this chapter;
- (f) Advertised, practiced or attempted to practice under another's name or another's trade name:
- (g) Been an habitual drunkard or been addicted to the use of habit forming drugs; or

- (h) Intentionally violated this chapter or any rule adopted the reunder.
- (6) No order by the department revoking or notifying of its intention not to renew a certificate, license or permit shall be made unless the procedures provided for contested cases in ch 227 have been followed.

History: 1973 c 295

159.15 Penalties. Any person who without a license or permit practices cosmetology either as a manager, operator, apprentice, student, itinerant cosmetologist, manicurist, electrologist or instructor or any person who employs an unlicensed manager, operator, manicurist, apprentice, electrologist or instructor or violates or aids or abets any person in violating this chapter or any rule adopted pursuant thereto or obtains a license fraudulently, or falsely pretends to be licensed, shall be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 10 nor more than 90 days or both

History: 1973 c. 295

159.16 Unlawful contracts. Any owner, proprietor or manager of a beauty salon or school of cosmetology who contracts with any person to train such person in cosmetology or any branch thereof and accepts money in payment, or who sells or rents or offers to sell or rent such beauty salon to any person who is not the holder of a manager's license, without first explaining to such person the provisions of this chapter, shall be punished as provided in section 159.15.

159.17 Veterans exempted during service. The time within which any act is required to be done under the provisions of this chapter shall be extended for such period of time as any person affected thereby spends in the armed forces of the United States and 6 months thereafter. During such period payment by such persons of all fees for licenses or renewals thereof required under this chapter shall be suspended.