

s. 159.13; 1939 c. 431; 1951 c. 723; 1967 c. 119; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

Treatment of abnormal or pathological conditions of feet, such as corns, bunions, callouses and like, is within the exclusive province of licensed chiropodists and may not be undertaken by cosmetologists. 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 license. 37 Atty. Gen. 544.

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 parlors. 38 Atty. Gen. 374.

A cosmetologist licensed under ch. 159, Stats. 1961, may cut hair irrespective of the sex of the customer. 50 Atty. Gen. 169.

159.14 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.14; 1939 c. 431; 1951 c. 723; 1955 c. 696 s. 33; 1969 c. 366 s. 117 (1) (a).

159.15 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.15; 1927 c. 150; 1939 c. 431; 1951 c. 723.

159.16 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.16; 1927 c. 150; 1951 c. 723.

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

CHAPTER 160.

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. 130; Stats. 1923 s. 160.01; 1935 c. 14, 454; 1937 c. 321; 1939 c. 112; 1945 c. 35; 1957 c. 115; 1961 c. 42, 530; 1963 c. 270; 1965 c. 155; 1969 c. 366 ss. 113, 117 (1) (a).

Tourist cabins and cottages wherein sleeping accommodations are offered for pay to tourists or transients are tourist rooming houses within 160.01 (4), Stats. 1945, regardless of whether such cabins are rented by the day, week, month or season. 34 Atty. Gen. 240.

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 required in the event the proprietor of the tavern 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 recreational purposes and which limits attendance to members, or a private camp for the same purpose which limits attendance to persons selectively chosen in advance are not "tourist rooming houses" within the meaning of this section. However, such camps are subject to the statute where sleeping accommodations are furnished for tourists or transients. 35 Atty. Gen. 449.

The statutes do not provide a criminal penalty for the act of signing a false or fictitious 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. 1951, does not include churches or clubs which occasionally serve meals to organizations pursuant 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 organizations" as used in 160.01 (2) and the need for permits to occasionally serve or sell meals see 48 Atty. Gen. 287.

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 operation in the interest of public health and safety. 49 Atty. Gen. 196.

On license requirements relative to industry or private club or caterers serving food to persons drawn from the general public see 51 Atty. Gen. 42.

160.02 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 2; 1923 c. 448 s. 130; Stats. 1923 s. 160.02; 1935 c. 440; 1937 c. 112; Stats. 1937 s. 160.02, 160.16; 1943 c. 275 s. 45; 1945 c. 35; Stats. 1945 s. 160.02; 1953 c. 179; 1963 c. 46, 270, 421; 1969 c. 366 s. 117 (1) (a).

A restaurant license is not transferable from one place to another. Restaurants and portable 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. 345.

No restaurant permit is required under 160.02 (1) for preparation and sale of hot or cold food sold by the pound, 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 restaurant 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. 163.

Municipalities may regulate the sale of food and beverage by vending machines, if the ordinances do not conflict with but rather complement state legislation. 55 Atty. Gen. 268.

160.025 History: 1963 c. 270; 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; 1923 c. 448 s. 130; Stats. 1923 s. 160.03; 1929 c. 138; 1945 c. 35; 1953 c. 179; 1961 c. 530; 1963 c. 224, 270; 1965 c. 310; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

Revisor's Note, 1945: 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. 1953, whether the health officer serves full time or only part time. 42 Atty. Gen. 212.

Under 160.03 (5), Stats. 1955, 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. 366 s. 117 (1) (a).

Revisor's Note, 1945: The amendment is from 160.18. (Bill 70-S, s. 4).

160.05 History: 1913 c. 548; Stats. 1913 s. 1408m—10 sub. 5; 1923 c. 448 s. 130; Stats. 1923 s. 160.05; 1945 c. 35; 1963 c. 270; 1969 c. 366 s. 117 (1) (a).

Revisor's Note, 1945: The amendment is from 160.19. (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 inferentially declared purpose of ch. 160, Stats. 1939, including the licensing provisions contained in 160.02, 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; 1969 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. 366 s. 117 (1) (a).

Revisor's Note, 1945: The amendment is from 160.20. [Bill 70-S, s. 6]

160.07 History: 1947 c. 426; Stats. 1947 s. 343.08; 1955 c. 696 s. 83; 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. 276 s. 584 (1) (b).

160.10 History: 1913 c. 648; Stats. 1913 s. 1408m—10 sub. 11; 1923 c. 448 s. 130; Stats. 1923 s. 160.10; 1945 c. 35; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

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. Doubtless 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. 100.

160.22 History: 1937 c. 112; Stats. 1937 s. 160.22; 1943 c. 375 s. 62; 1945 c. 35; 1969 c. 366 s. 117 (1) (a).

160.31 History: 1864 c. 318; R. S. 1878 s. 1725; Stats. 1898 s. 1725; 1913 c. 479; 1923 c. 291 s. 3; 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 "hotelkeeper" has supplanted "innkeeper." See 160.01. [Bill 70-S, s. 21]

160.32 History: 1913 c. 479; Stats. 1913 s. 1725a; 1923 c. 291 s. 3; Stats. 1923 s. 131.02; 1945 c. 35; Stats. 1945 s. 160.32.

160.33 History: 1864 c. 318 s. 2; R. S. 1878 s. 1726; Stats. 1898 s. 1726; 1913 c. 479; 1923 c. 291 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: 1905 c. 198 s. 1, 2; Supl. 1906 s. 1727 a; 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. 97.

160.36 History: 1915 c. 77; Stats. 1915 s. 1727t; 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 complied 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. 26)

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

CHAPTER 161.

Narcotics and Dangerous Substances.

161.001 History: 1969 c. 384; Stats. 1969 s. 161.001.

161.01 History: 1935 c. 306; Stats. 1935 s. 161.01; 1941 c. 271; 1945 c. 47; 1955 c. 657; 1963 c. 57; 1969 c. 336 s. 176; 1969 c. 366 s. 117 (1) (j), (2) (a); 1969 c. 384.

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) 169.

161.02 History: 1935 c. 306; Stats. 1935 s. 161.02; 1951 c. 379; 1953 c. 566; 1955 c. 116; 1959 c. 349; 1961 c. 477; 1969 c. 366 s. 117 (2) (b).

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