

CHAPTER 159.

COSMETOLOGY LAW.

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159.01 Definitions, limitations, exceptions. (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" is any person who, for compensation, either directly or indirectly or in the expectation thereof practices cosmetology. The holder of a manager's, beauty operator's, instructor's or electrolysis'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) "Board" when used in this chapter shall mean the state board of health.

(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, chiropodists, masseurs, hospital attendants, 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) "Electrolysisist", 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.

159.02 Schools teaching cosmetology; curriculum; requirements; regulation. (1) No person, firm or corporation shall operate a school for the purpose of teaching cosmetology for compensation unless a proper annual certificate of registration has been obtained from the state board of health.

(2) Application for such certificate shall be filed with the board in such form as the board 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 admission, completion, as shown by certificate or affidavit, of the tenth grade or an equivalent education as determined by the extension division of the university of Wisconsin, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,500 hours to be completed within a period of not less than 8 months' instruction of not more than 8 hours in any one day. Said instruction shall be given only between the hours of 8 a.m. and 6 p.m. on week days. Such course of instruction shall include such subjects as prescribed by the board.

(4) No school holding a certificate of registration from the board shall enroll or admit any student unless such student shall make and file with the board a duly verified application in a form to be prepared and furnished by the board.

(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 board, indicating that all work therein is done exclusively by students.

(7) The annual fee for a certificate of registration for a school to teach cosmetology shall be not less than \$100 for all schools now holding a certificate of registration. Applicants for a certificate of registration who do not on September 29, 1939, hold a certificate of registration shall accompany their application with a fee of \$300. Said application fee shall include the fee for the first certificate of registration provided said application be granted. The annual fee for a certificate of registration shall be paid on or before November 30, annually; after that date an additional fee of \$25 shall be paid.

(8) Any person may receive a student permit:

- (a) Who is at least seventeen years of age;
- (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 tenth grade, or has an equivalent education as determined by the extension division of the University of Wisconsin; and

(e) Who attends a school teaching cosmetology which has a certificate of registration from the state board of health.

History: 1961 c. 399.

Under (8) board of health may issue permits to students of cosmetology at Oregon school for girls if the board is convinced that despite their current status they are possessed of a good moral character and temperate habits. 53 Atty. Gen. 125.

159.03 Supervision by the board; regulations. (1) The board shall enforce the provisions of this chapter and shall prescribe and enforce rules and regulations governing beauty and electrolysis salons, and schools teaching cosmetology and for the examining and licensing of managers, operators, manicurists, electrolysisists 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 board shall keep a record of all students, registered apprentices, licensed managers, operators, itinerant cosmetologists, manicurists, electrolysisists 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 insan-

itary or if any person working therein be charged with imparting a communicable disease the board 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 board.

(4) The board may on its own or in co-operation with vocational schools conduct educational meetings, seminars, lectures or demonstrations open to those licensed 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.

Students and apprentices are ineligible lectures or demonstrations conducted pursuant to attend educational meetings, seminars, suant to (4). 50 Atty. Gen. 228.

159.04 Division of cosmetology. (1) There is created and the board shall maintain a division thereof to be known as the division of cosmetology. Such division shall be composed of a supervisor, field inspectors, examiners and such other assistants as the board deems necessary to effectively carry out this chapter.

(2) The board shall appoint a committee of examiners in the division of cosmetology. Such committee shall consist of competent persons who have been engaged in this state, for at least 5 years immediately prior to their appointment, in the practice of all branches of cosmetology as managing cosmetologists. The board may remove any members of said committee of examiners for cause.

(3) Members of the committee of examiners shall be appointed outside the classified service and hold office for a term of 3 years each.

(4) Each examiner shall receive a per diem of not to exceed \$25 for each day actually engaged in the performance of his duty and his actual and necessary expenses incurred.

History: 1961 c. 399.

159.05 Advisory committee; field staff. (1) The state board of health shall appoint an advisory committee whose purpose will be to recommend rules and regulations pertaining to the administration of the laws relating to cosmetology for the consideration of the board. The committee shall consist of 7 members; one shall represent the board; 6 shall be licensed cosmetologists practicing in Wisconsin. State associations of cosmetologists may submit lists of names to the board for the consideration of the board in making appointments to the advisory committee. The terms of office shall be for 3 years excepting the first appointments which shall be for 3 years, 2 years and 1 year, respectively, as is determined by the board. The committee shall elect one of its members as chairman and the representative of the board shall act as secretary. The committee shall meet at the call of the chairman at least once, but not oftener than 4 times, in each fiscal year at a place and date approved by the state health officer, unless in the opinion of the state health officer a bona fide emergency exists which would require additional meetings. The members of the committee shall be entitled to receive a per diem of \$25 for each day in attendance at official meetings of the committee plus actual and necessary travel and subsistence expense while so serving away from their places of residence.

(2) The state health officer 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 may be assigned by the board 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 state health officer shall appoint, under the classified service, such investigators as may be required, whose qualifications shall be established jointly by the state health officer and the bureau of personnel, to carry out such investigations as may be assigned.

History: 1961 c. 399.

159.06 Examinations. (1) Examinations for the licensing of managers, operators, manicurists, instructors and electrolysisists shall be held by the board at least 4 times a year at such times and in such places as shall be determined by the board. 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 electrolysisist's licenses shall include a written examination and such other tests as the board deems fit.

(3) The committee of examiners shall prescribe rules and regulations for the conduct of such examinations, subject to the approval of the board.

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 board. No license shall be issued unless the applicant presents proof that he is of good moral character, in good physical and mental health, and has completed the tenth grade education or has an equivalent education as determined by the extension division of the University of Wisconsin. All applications for examination shall be on file in the office of the board at least 3 weeks prior to the examination. Failure to have the application on file within the required time shall 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.

(2) A manager's license shall be issued only to one:

(a) Who is at least 21 years of age.

(b) Who has practiced cosmetology at least 2 years under an operator's license in this state.

(c) Who has satisfactorily passed an examination conducted by the board to determine his fitness to practice as a managing cosmetologist.

(d) Who is a citizen of the United States.

(2a) The fee to be paid by an applicant for an examination to determine his fitness to receive a manager's license shall be \$15. If a license be issued the fee for said license shall be \$5.

(3) The requirements of sub. (1) and par. (b) of sub. (2) of this section shall not apply to licensed operators or to persons entitled to the issuance of a manager's license on September 16, 1939. Such applicants shall be governed by the law applicable before said date.

(4) An operator's license shall be issued to one:

(a) Who has completed 2 years as a registered apprentice under the supervision of a managing cosmetologist, or who has completed the course prescribed by section 159.02 in a registered school of cosmetology.

(b) Who has satisfactorily passed an examination conducted by the board 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 \$10. If a license be issued the fee for said license shall be \$3.

(5) Requirements of subs. (1), (4) and (4a) of this section shall not apply to any duly registered apprentice in any beauty salon in the state on September 16, 1939, nor to any student enrolled in a school of cosmetology at said time, provided that said school has been approved by the board.

(6) Any cosmetologist 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 board 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 board to determine his fitness to practice as an operator or upon providing evidence satisfactory to the board of having practiced as an operator for 2 years 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 board to determine his fitness to practice as a manager or upon providing evidence satisfactory to the board of having practiced as a manager for 4 years 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.

(7) Applicants for a manicurist's license shall be at least 18 years of age; shall have completed a course of instruction of not less than 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 shall be issued to an applicant unless he has successfully passed an examination conducted by the board 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 \$5. If a license be issued, the fee for the license shall be \$3.

(7m) The board may grant a permit to practice manicuring in a licensed barbershop to any person licensed as a cosmetologist in this state.

(8) The board may grant a temporary permit to practice as an operator or manicurist without examination provided that the applicant meets all the other requirements of this state for licensure as an operator or manicurist and has graduated from a registered school of cosmetology in this state or is otherwise eligible for licensure under sub. (6) (a). In addition, the board may grant a temporary permit to practice as a manager to any person who has been duly licensed as an operator under this chapter for at least 2 years and has practiced under such license within this state for such a period of time. The board may also grant a temporary instructor's permit to one who is qualified for the examination and who is to be considered a replacement of another instructor. The temporary permit shall be valid from the date of issue until the next regular examination conducted by the board and results are sent out but this period shall not exceed 4 months. No more than 3 such temporary permits shall be issued to any one applicant, but not more than 2 such permits for any one license. The fee for each temporary permit is \$5 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 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, and shall pass a written examination and such other tests as the board deems fit. The fee to be paid by an applicant to take the instructor's examination shall be \$15. If a license is issued, the fee for said license is \$5. A duly licensed instructor who is actively engaged as such and who has previously been licensed as a manager under this chapter will be eligible for renewal of such manager's license without further examination upon submitting an application accompanied by the required fee.

(10) The subjects of hygiene, histology, anatomy, elementary chemistry and other related subjects as may be designated by the board may be taught in schools of cosmetology by persons holding a certificate or license from the state superintendent of public instruction authorizing them to teach those subjects in public high schools in Wisconsin, or by vocational school teachers whose classification status for those subjects is approved by the state board of vocational and adult education, or by other persons approved by the board, 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: 1961 c. 399; 1963 c. 480.

Under (6) the applicant must hold a current registration or license in another state. 50 Atty. Gen. 223. Citizenship requirements for cosmetology operator's and manager's licenses discussed. 55 Atty. Gen. 233.

159.09 Beauty salon and electrolysis salon licenses. (1) No person, association, firm or corporation shall operate a beauty or electrolysis salon unless such salon shall be first licensed by the board. Such licenses shall be renewed annually and shall designate the particular premises licensed.

(2) Before any such license is issued the board 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 year the same are issued and the said licenses shall not be transferable. Changes of ownership of any beauty or electrolysis salon shall be reported to the board by the manager of such salon within 5 days after such change of ownership.

(3) The board 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 board. Any person or persons proposing to open such a salon in a new location shall first make application to the board 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 board accompanied by an inspection fee of \$10.

(4) Any license granted under authority of this section may be revoked as provided in section 159.14, for violating any of the foregoing provisions or if any of the regulations

of the board 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 \$10. This fee is to apply to all such salon licenses, including transfers of ownership.

Discussion of (1) relative to hair-wash- establishments other than beauty salons, ing or hair-drying equipment in business and licensing of same. 50 Atty. Gen. 196.

159.10 Persons formerly licensed. (1) Any person eligible for licensure as a manager, operator, itinerant cosmetologist, instructor, electrolysis, or manicurist on August 16, 1951 may have such license renewed without examination provided the application for such renewal is made on or before November 30, 1951.

(2) Any person who held a Wisconsin license as a manager, operator, instructor, electrolysis, or manicurist and who failed to renew such license within 2 years following the date of its expiration may renew the license only after passing such examinations as may be required by the board.

159.11 Licenses and certificates; terms of license. (1) The board shall furnish a card in such form as it shall determine, bearing the seal of the board and the signature of its secretary, to each:

(a) Apprentice, student, operator, manager, manicurist, instructor and electrolysis 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 shall be for a longer period than one year. All licenses shall expire on November 30. Apprentices' permits shall expire at the end of 2 years from the date of issue.

(3) All applications for the renewal of licenses as a manager, operator, manicurist, itinerant cosmetologist, electrolysis or instructor shall be made on or before November 30 accompanied with the proper fee therefor.

(a) The renewal fee for a manager's license shall be \$5 if the application is made on or before November 30 annually; after that date an additional fee of \$2 shall be paid.

(b) The renewal fee for an itinerant's license shall be \$10 if the application is made on or before November 30 annually; after that date an additional fee of \$5 shall be paid.

(c) The renewal fee for an operator's license shall be \$3 if the application is made on or before November 30 annually; after that date an additional fee of \$1 shall be paid.

(d) The renewal fee for a manicurist's license shall be \$3 if the application is made on or before November 30 annually; after that date an additional fee of \$1 shall be paid.

(e) The fee for an apprentice's permit shall be \$1.

(f) There shall be no fee for a student's permit.

(g) The renewal fee for a beauty or electrolysis salon license shall be \$10 if the application is made on or before November 30 annually; after that date an additional fee of \$2 shall be paid.

(h) The renewal fee for an instructor's license shall be \$5 if the application is made on or before November 30 annually; after that date an additional fee of \$2 shall be paid.

(i) The renewal fee for an electrolysis's license shall be \$5 if the application is made on or before November 30 annually; after that date an additional fee of \$2 shall be paid.

159.12 Apprenticeship; experience required. (1) Any person may become an indentured apprentice and receive an apprentice's registration card:

(a) Who is 17 years or more of age.

(b) Who is of good moral character and of temperate habits.

(c) Who has shown by affidavit or certificate that he has completed a tenth grade education or has an equivalent education as determined by the university of Wisconsin extension division.

(2) Apprentices must practice for at least 2 years under the personal supervision and direction of a licensed manager before they shall be eligible to make application to take the examination for operator's license. Apprentices shall be given instruction by a manager in all branches of practical work and in the subjects required to be taught in schools of cosmetology as prescribed by the board. The board may terminate an apprenticeship where there is evidence that the requirements of the board are not being met. No apprentice or operator shall practice cosmetology unless under the supervision and direction of a licensed manager and cannot 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 the provisions of section 106.01 and apprenticeship rules and regulations of the industrial

commission and the board. The requirements of subsections (1), (2) and (3) of this section shall not apply to any person who began his apprenticeship before September 16, 1939. Such apprenticeship shall be governed by the law applicable when the permit was issued and shall be completed by July, 1940.

159.13 Practice. (1) No person shall engage in the practice of cosmetology unless he holds a license issued by the board.

(2) Licenses shall be issued only to such persons who are possessed of the requisite skill 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. No license to practice that branch of cosmetology, involving the use of the electric needle for the removal of superfluous hair, shall be issued unless special application therefor is made to the board showing that such applicant has successfully completed a course of training in such branch of cosmetology, and has passed an examination to the satisfaction of the board. The fee to be paid by an applicant to take the electrolysis examination is \$10. If a license is issued, the fee for said license is \$5. Managing cosmetologists, electrolysis, instructors, manicurists and itinerant cosmetologists must notify the board of change of address within 5 days thereof.

History: 1967 c. 119.

A cosmetologist licensed under Ch. 159 may cut hair irrespective of the sex of the customer. 50 Atty. Gen. 169.

159.14 Revocation of licenses. (2) The board may either refuse to issue or renew or may suspend or revoke any certificate of registration of a school of cosmetology, beauty or electrolysis salon license, manager's, operator's, manicurist's, electrolysis or instructor's license, apprentice or student's permit for any of the following causes:

- (a) Conviction of a crime.
- (b) Malpractice or gross incompetency.
- (c) Continued practice by a person who knowingly has an infectious, contagious or communicable disease.
- (d) Fraudulent advertising.
- (e) Advertising, practicing, or attempting to practice under another's name or under another's trade name.
- (f) Habitual drunkenness, or habitual addiction to the use of habit forming drugs.
- (g) Guilty of unprofessional conduct which is reprehensible in the judgment of the board.
- (h) Violation of any section of this chapter or of any of the rules or regulations prescribed under authority thereof.
- (i) Immoral conduct or character.

(3) Any license, certificate or permit may be revoked or renewal thereof may be refused by the board upon 5 days' notice in writing setting forth the charges relied upon for revocation or refusal of renewal to the holder and upon a public hearing at which such holder shall have an opportunity to present testimony in his behalf and to be confronted by witnesses against him.

159.15 Penalties. Any person, association, partnership, firm or corporation that shall without a license practice cosmetology either as a manager, operator, apprentice, itinerant cosmetologist, manicurist, electrolysis or instructor or any person who shall employ an unlicensed manager, operator, manicurist, apprentice, electrolysis or instructor or shall violate or shall aid or abet any person in violating any provision of this chapter or any rule or regulation made pursuant thereto or shall obtain a license fraudulently, or shall falsely pretend to be licensed, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for not less than 10 nor more than 90 days, or by both such fine and imprisonment.

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.