Ch. 159, Stats. 1951, does not apply to bar­
bering services performed in the state prison
and state reformatory by inmates for other
inmates and attendants pursuant to direction
and control of the state department of public
welfare; and the state board of health has no
jurisdiction over prices charged for barbering
services. 41 Atty. Gen. 378.
Practicing barbering at state institutions
and restricting their practice to patients or
inmates of such institutions are not subject to
licensing requirements. 46 Atty. Gen. 211.

See note to 159.13, citing 50 Atty. Gen. 169.

159.05 History: 1935 c. 467; Stats. 1935 s.
159.05; 1947 c. 97; 1948 c. 312; 1953 c. 516
s. 12 to 14; 1955 c. 449; 1966 c. 656; 1969 c. 366.

159.06 History: 1935 c. 467; Stats. 1935 s.
159.06; 1947 c. 97; 1953 c. 516 s. 15, 16; 1969
s. 200; 1969 c. 366 ss. 106, 117 (1) (a).

159.09 History: 1935 c. 467; Stats. 1935 s.
159.09; 1937 c. 348; 1937 c. 348 s. 2. 3; 1939
s. 313 s. 33; 1947 c. 97; 1953 c. 516 s. 17 to 19;
1963 c. 103; 1965 c. 292 s. 11(3); 1967 c. 111;
1969 c. 154; 1969 c. 276 s. 364 (1) (b); 1969 c.
366 s. 117 (1) (a).

Under 159.09 (2), Stats. 1949, the state board
of health is authorized to adopt a rule provid­
ing that no portion of a barber's apprenticeship
shall be served while attending a full­
time school for barbering, but in the absence
of such a rule a student should not be denied
credit for such work where he can show com­
pliance with all existing rules and statutes. 39 Atty. Gen. 278.

The state board of health may issue a sec­
ond permit to one previously possessing a per­
mit and whose 5-year apprenticeship has
expired. 54 Atty. Gen. 278.

Students matriculated in a school of cos­
mology on days other than the first Monday
of the preceding 2-year period. 29 Atty. Gen.
425.

159.13 History: 1935 c. 467; Stats. 1935 s.
159.13; 1953 c. 516 s. 29 to 31; 1969 c. 366 s.
117 (1) (a).

159.14 History: 1935 c. 467; Stats. 1935 s.
159.14; 1953 c. 516; 1969 c. 366 s. 117 (1) (a).

159.15 History: 1935 c. 467; Stats. 1935 s.
159.15; 1937 c. 348; 1953 c. 516; 1969 c. 366 s.
117 (1) (a).

CHAPTER 159.
Cosmetology Law.

159.01 History: 1925 c. 68 s. 2; Stats. 1925
s. 159.01; 1927 c. 100; 1939 c. 431; 1943 c. 275
s. 44; 1951 c. 723 s. 2 to 7; 1969 c. 366.

One who engages in marcelling or other­
wise caring for hair of her patrons at their
homes is an itinerant cosmetician, and is re­
quired to be licensed. 14 Atty. Gen. 229.

Demonstrators for dealers in beauty parlor
equipment and supplies practice cosmetic art
if they demonstrate upon subjects and teach
cosmetic art when they demonstrate equip­
ment in actual use. 20 Atty. Gen. 589.

Canvassers selling on commission who dem­
onstrate cosmetics by actual application are
engaged in practice of cosmetic art. Persons
not authorized to practice cosmetic art who, in
soliciting orders for cosmetics, prepare or as­
semble in preparation of statement of unhealthy
condition of skin and scalp are engaged in
diagnosing, in violation of the medical prac­
tice act. 21 Atty. Gen. 1135.

Manufacturers' representatives who demon­
strate cosmetic preparations but make no
charge for services rendered in making such
demonstration do not practice cosmetic art
within the meaning of 159.01 (1), Stats. 1947,
and are therefore not required to be licensed

159.02 History: 1925 c. 68 s. 2; Stats. 1925
s. 159.02; 1927 c. 100; 1939 c. 437; 1941 c. 725;
117 (1) (a).

Persons enrolled in a cosmetic school, and
later graduated therefrom, who had not com­
pleted the period of apprenticeship and training
required by 159.02 and 159.08 (4), Stats.
1939, when those statutes were amended in
1939, and whose school was not one having
the certificate of registration required by
159.02, had no right to take the examina­
tion for cosmetologist under the statutes as they
existed at the time of the amendments, and
hence did not obtain any "vested rights"
of which they could be constitutionally de­
prived by the fact that the amendments of
1939 prescribed new requirements in order to
qualify for the examination. Moretto v. Harp­
er, 237 W 295, 296 NW 902.

Authority to determine the equivalency of
tenth-grade education under 159.02 (3), Stats.
1939, can be exercised only by agencies named
in the statute. 38 Atty. Gen. 662.

Public vocational schools are not required
to pay the annual license fee provided by
159.02 (6), Stats. 1939, for a certificate of reg­
istration to teach cosmetic art. 29 Atty. Gen. 514.

Students matriculated in a school of cos­
mology on days other than the first Monday
of the preceding 2-year period. 29 Atty. Gen.
425.
and 4 days thereafter in each odd-numbered month, contrary to board of health's rule, are not entitled to student permits under 159.02 (6), Stats. 1929, and may be prosecuted for engaging in practice work under 159.15. School authorities misusing students as to legality of such matriculation may be prosecuted under 159.16. Student permits issued to such students herefore, if any, may be revoked under 159.14. 29 Atty. Gen. 424.

A student transferring from one school of cosmetology to another must file an application in the second school under 159.03 (4), Stats. 1939. A student so transferring is entitled to credit for hours put in at the first school, notwithstanding the transfer may have been made on a date other than that fixed by a rule of the board for entering school, since the rule applies only to original entries. The 1500 hours of instruction required for graduation under 159.02 (2) need not all be earned in the same school although they must all be earned in schools registered by the board. 39 Atty. Gen. 197.

All schools teaching cosmetic art are subject to 159.02, Stats. 1947, as to minimum requirements and any school meeting such requirements may offer advanced courses subject to supervision and regulation by the state board of health under 159.03. However, advanced lectures and demonstrations may be offered to licensed operators without board supervision or regulation provided that no representation is made to the effect that the same constitutes a school of cosmetic art under ch. 159. 36 Atty. Gen. 543.

A rule of the state board of health that instructors in schools of cosmetology shall pass an examination which differs from that given applicants for managers' licenses, and that instructors may not practice cosmetology, is invalid under 140.05 (3), 159.02 (1) and 159.02 (2), Stats. 1947. 37 Atty. Gen. 423.

Listing of schools of cosmetology under the heading "Beauty Parlors" in a classified telephone directory constitutes advertising for patrons in violation of 159.02 (5), Stats. 1951. 40 Atty. Gen. 257.

Under 159.02 (8), Stats. 1961, the state 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. 50 Atty. Gen. 126.

159.03 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.03; 1927 c. 458; 1929 c. 431; 1931 c. 733; 1939 c. 546; 1961 c. 430.

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

193.22, Stats. 1941, authorizing any person aggrieved by an order of the board to commence an action in the circuit court to vacate the order on the ground that it is unlawful or unreasonable, does not apply to orders of the board made under ch. 159. Tooele Academy of Beauty Culture v. Kelly, 239 W 165, 309 NW 476.

Ch. 159. Stats. 1940, does not prohibit the sale of general merchandise in a beauty parlor, but such parlor may be closed under 159.03 (3) if an insanitary condition results, and the state board of health has rule-making power with respect thereto in 159.03 (1). 36 Atty. Gen. 374.

Students and apprentices are ineligible to attend educational meetings, seminars, lectures or demonstrations conducted pursuant to 159.03 (4), Stats. 1941. 50 Atty. Gen. 238.

159.05 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.05; 1927 c. 101; 1929 c. 431; 1931 c. 733; 1939 c. 546; 1961 c. 399; 1969 c. 276 s. 702 (13); 1969 c. 368.

159.06 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.06; 1929 c. 431; 1931 c. 733 s. 3 to 16; 1969 c. 276 s. 123, 117 (1) (a). The statutes do not forbid the conduct of examinations for managers' and operators' licenses under 159.06. Stats. 1947, before completion of the other prerequisites to the issuance of a license. 37 Atty. Gen. 476.

159.07 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.07; 1929 c. 431; 1931 c. 733.

159.08 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.08; 1927 c. 458; 1931 c. 431; 1931 c. 733 s. 3 to 16; 1969 c. 276 s. 123, 117 (1) (a).

As used in 159.06 (4) (a), Stats. 1929, the words "who has completed the course prescribed by section 159.02 in a registered beauty school" imply that the entire period of training must be had in a registered beauty school. 29 Atty. Gen. 61.

Under 159.08 (6), Stats. 1961, the applicant must hold a current registration or license in another state. 50 Atty. Gen. 233.

On citizenship requirements for cosmetology operator's and manager's licenses see 55 Atty. Gen. 95.

159.09 History: 1939 c. 431; Stats. 1939 s. 159.09; 1961 c. 733; 1969 c. 368 s. 117 (1) (a).

For discussion of 159.01 (1), Stats. 1961, relative to hair-washing or hair-drying equipment, in business establishments other than beauty salons, and licensing of same see 50 Atty. Gen. 196.

159.10 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.10; 1929 c. 431; Stats. 1939 s. 159.10; 1951 c. 723; 1969 c. 368 s. 117 (1) (a).

159.11 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.11; 1927 c. 150; 1929 c. 431; Stats. 1939 s. 159.11; 1961 c. 723; 1969 c. 366 s. 117 (1) (a).

A contract of apprenticeship for beauty parlor apprentices which is in conflict with the apprenticeship rules of the board of health under 159.12; 1927 c. 458; 1929 c. 431; 1939 c. 430; 1951 c. 399; 1965 c. 409; 1969 c. 153, 154; 1969 c. 276 s. 589 (1) (a), 604 (1); 1969 c. 366 s. 117 (1) (a).

As used in 159.06 (4) (a), Stats. 1929, the words "who has completed the course prescribed by section 159.02 in a registered beauty school" imply that the entire period of training must be had in a registered beauty school. 29 Atty. Gen. 61.

Under 159.08 (6), Stats. 1961, the applicant must hold a current registration or license in another state. 50 Atty. Gen. 233.

On citizenship requirements for cosmetology operator's and manager's licenses see 55 Atty. Gen. 95.

159.09 History: 1939 c. 431; Stats. 1939 s. 159.09; 1961 c. 733; 1969 c. 368 s. 117 (1) (a).

For discussion of 159.01 (1), Stats. 1961, relative to hair-washing or hair-drying equipment, in business establishments other than beauty salons, and licensing of same see 50 Atty. Gen. 196.
s. 159.13; 1929 c. 431; 1951 s. 723; 1967 c. 118; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

Treatment of abnormal or pathological conditions of feet, such as corns, bunions, cal­
houses and like, is within the exclusive prov-
ince of licensed chiropodists and may not be
undertaken by cosmetologists. 30 Atty. Gen.

One who gives an occasional permanent
wedge to a friend at his home, without receiving
or expecting any compensation, is not engaged
in the practice of a beauty shop or body masse.

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-
cors. 30 Atty. Gen. 374.

A lassenicd cosmetologist licensed under ch. 159,
Stats. 1961, may cut hair irrespective of the
sex of the customer. 48 Atty. Gen. 839.

A cosmetologist licensed under ch. 159,
Stats. 1961, 1965, may cut hair irrespective of the
sex of the customer. 50 Atty. Gen. 130.

159.14 History: 1925 c. 68 s. 2; Stats. 1925
s. 159.14; 1929 c. 431; 1951 c. 725; 1955 c. 686
s. 55; 1969 c. 366 s. 117 (1) (a).

159.15 History: 1925 c. 68 s. 2; Stats. 1925
s. 159.15; 1927 c. 150; 1929 c. 451; 1951 c. 723.

159.16 History: 1925 c. 68 s. 2; Stats. 1925
s. 159.16; 1927 c. 150; 1961 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. 1929 s. 160.01; 1925 c. 14, 454; 1927
s. 221; 1929 c. 112; 1943 s. 35; 1957 c. 115; 1961
s. 43, 530; 1963 c. 270; 1965 c. 156; 1969 c. 366
s. 119, 117 (1) (a).

Tourist cabins and cottages wherein sleep-
ing accommodations are offered for pay to
transients or tourists 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. 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 re-
quired in the event the proprietor of the tav-
ern purchases the sandwiches in wrapped
form and resells them. 34 Atty. Gen. 555.

A summer camp operated by a club, church,
or other organization for educational and rec-
estional 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.
1951, does not include churches or clubs which
occasionally serve meals to organizations up-
purant to previous arrangements on terms not
available to the public generally. 40 Atty.
Gen. 201.

"Lunch" and "meals" are defined in 44 Atty.
Gen. 289.

For discussion of the term "fraternal organi-
zations" 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 opera-
tion in the interest of public health and safety.
49 Atty. Gen. 130.

On license requirements relative to indus-
try or private club or eaters 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; 1923 c. 448 s. 130; Stats.
1929 s. 160.02; 1935 c. 440; 1947 c. 112; Stats.
1937 s. 160.02, 160.16; 1940 c. 279 s. 45; 1945
s. 25; 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 transferrable 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. 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 estab-
ishments. 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.
460.

Municipalities may regulate the sale of food
and beverage by vending machines, if the ordin-
ances do not conflict with but rather com-

160.025 History: 1969 c. 270; Stats. 1969 s.
160.025; 1969 c. 366 s. 117 (1) (a).

160.03 History: 1913 c. 646; Stats. 1913 s.
1408m—10 sub. 3; 1923 c. 448 s. 130; Stats.
1929 s. 160.03; 1929 c. 138; 1945 c. 35; 1953 c.
179; 1961 c. 550; 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