

CHAPTER 158.

BARBERS.

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158.01 Definitions. The following terms, whenever used in this chapter, shall have the meanings indicated as follows:

(1) "Barbering" is directly or indirectly engaging in any one of or any combination of the following practices for compensation:

- (a) Shaving, trimming the beard or cutting the hair;
- (b) Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;
- (c) Singeing, shampooing, arranging, dressing or dyeing of the hair, or applying hair tonics;
- (d) Applying cosmetic preparations, antiseptics, powders, oils, clay or lotion to the scalp, face or neck.

(2) "Barber shop" embraces and includes any establishment or place of business wherein the practice of barbering is engaged in or carried on.

(3) A "barber" is any person who engages in the practice of barbering.

(4) A "shop manager" is any person who has fulfilled the requirements of a shop manager as provided in this chapter and who holds a valid shop manager's license issued by the barbers' division of the state board of health.

(5) A "master barber" is any person who has fulfilled the requirements of a master barber as provided in this chapter and who holds a valid master barber's license issued by the barbers' division of the state board of health.

(6) A "journeyman barber" is any person who has fulfilled the requirements of a journeyman barber as provided in this chapter and who holds a valid journeyman barber's license issued by the barbers' division of the state board of health.

(7) An "apprentice barber" is any person who is serving an apprenticeship at the trade, who is indentured as an apprentice with the Wisconsin industrial commission, and who is registered as an apprentice with the barbers' division of the state board of health.

(8) "Apprenticeship" is defined to mean that period of time in which any person serves as an apprentice in the barber trade.

(9) A "student barber" is any person who holds a student permit issued by the barbers' division of the state board of health and who is attending a barber school or college approved by the board.

(10) A "student permit" is a permit issued by the barbers' division of the state board of health to any person attending a barber school or college approved by the board.

(11) The "board" is defined to mean the state board of health.

(12) An "inspector" is any person required by this chapter to make inspection of barber shops and barber schools.

(13) "Examiners" are those persons required by this chapter to conduct the required examinations.

(14) The following shall not be deemed "barbers" and are not required to be licensed:

- (a) Physicians licensed under the laws of this state and commissioned medical or surgical officers of the United States army, navy or marine hospital service;
- (b) Licensed masseurs;
- (c) Registered nurses;
- (d) Persons licensed to practice cosmetic art;
- (e) Embalmers;

(f) But this subsection shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes, excepting, however, that persons licensed pursuant to chapter 159 may bob, shape, thin, singe and

shampoo hair in addition to the rights and privileges conferred in chapter 159. [1935 c. 467]

Note: (1) (c) does not authorize barber to do finger waving; (14) (f) does not authorize cosmetician to cut hair of men and boys. 25 Atty. Gen. 75.

158.02 Regulations. (1) The state board of health shall prescribe and enforce rules and regulations, consistent with this chapter, governing barber shops and schools teaching barbering, the examination and licensing of master and journeyman barbers and the registration of apprentices and students, and on all other matters upon which supplemental rules and regulations may be necessary in the administration of this chapter.

(2) The board shall keep a record of all students, registered indentured apprentices, licensed journeymen and master barbers, and a record of its proceedings relating to the issuance, renewal, suspension and revocation 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.

(3) If a barber shop or school, teaching barbering, be found insanitary or if the barber working therein be charged with imparting to another person a communicable disease, the board shall immediately order the local health officer to quarantine such barber shop or school, and the barber so charged shall not practice barbering until the quarantine is removed. [1935 c. 467]

Note: State board of health has no authority under (1) or otherwise to regulate opening and closing hours of barber shops. 31 Atty. Gen. 387.

158.03 Schools teaching barbering. (1) No school or college teaching barbering shall be approved by the board unless it requires as a prerequisite to admission, completion, as shown by certificate or affidavit, of the eighth grade or an equivalent education as determined by the state board of vocational and adult education and unless it requires as a prerequisite to graduation a course of instruction of not less than twelve hundred forty-eight hours to be completed within a period of not less than six months' instruction of not more than eight hours in any one day. Such course of instruction shall include the following subjects: scientific fundamentals of barbering; hygiene, histology of the hair; skin and nails; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; massaging and manipulating of the muscles of the scalp, face and neck; haircutting; shaving; and arranging, dressing, coloring, bleaching and tinting the hair; and care of instruments and equipment.

(2) No school or college teaching barbering shall enroll or admit any student unless such student shall make and file in duplicate a duly verified application in a form to be prescribed and furnished by the state board of health. One copy of such application shall be retained by the school or college and the other copy shall be sent to the state board of health.

(3) No school or college teaching barbering shall enroll or admit any student in a post graduate course for the purpose of qualifying persons for master barbers' licenses unless such student shall file in duplicate a duly verified application in a form to be prescribed and furnished by the state board of health, which shall show that the applicant has completed the eighth grade or has an equivalent education as determined by the state board of vocational and adult education, and that such applicant (a) has graduated from a school or college teaching barbering approved by the board or (b) holds a valid, unexpired and uncanceled indentured apprentice registration card or journeyman's license issued by the state board of health; or (c) can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years immediately prior to making application. One copy of such application shall be retained by the school or college and the other shall be sent by it to the state board of health. Nothing in this section shall be construed as limiting or modifying the provisions of sections 158.08 and 158.09. [1935 c. 467; 1937 c. 349; 1939 c. 513 s. 35]

Note: Educational prerequisites for barbers under this chapter construed to be eighth grade education. 24 Atty. Gen. 756.

158.04 Practice. (1) No person shall engage in the practice of barbering unless he holds one of the following:

- (a) A master barber's license;
- (b) A journeyman barber's license;
- (c) An indentured apprentice registration card; or
- (d) A student permit to attend an approved barber school or college. All said licenses, certificates and permits shall be issued pursuant to the provisions of this chapter by the barbers' division of the state board of health.

(2) No person, firm or corporation shall hire or employ any person to engage in the practice of barbering unless the person employed holds a valid master or journeyman license or indentured apprentice registration card.

(3) No person, firm or corporation shall operate a barber shop which shall not at all times be under the immediate personal supervision and management of a registered master barber.

(4) No person owning, operating, managing or working in a barber shop which is not connected with a recognized school or college teaching barbering shall hold such barber shop out as a barber school or college or teach barbering therein for compensation, but this shall not apply to instructions given employes in the regular course of business for which they are not required to pay.

(5) It shall be unlawful:

(a) For any master, journeyman or apprentice barber knowingly to continue the practice of barbering, or for any student knowingly to continue as a student in any school or college teaching barbering while such person has an infectious, contagious or communicable disease, or for any owner or manager of a barber shop to permit any person suffering from a communicable disease or from any venereal disease in a communicable form to act as a barber in said shop. Any barber who shall be afflicted with any such disease shall return to work only upon written order of a physician, a copy of which order must be sent to the state board of health;

(b) For any barber to use in practicing barbering any styptic pencil, finger bowl, sponge, lump alum or powder puff;

(c) For any barber to use on any patron any razor, scissors, tweezers, comb, hair brush, rubber disc or parts of a vibrator used on another person unless such article or instrument has first been sterilized after use on such other person by immersing the same in a solution containing fifty per cent alcohol, five per cent carbolic acid, twenty per cent formaldehyde, and ten per cent lysol solution, or in boiling water at least twenty minutes;

(d) For any person to use or for any shop manager to permit to be used a barber shop as a living, dining or sleeping apartment;

(e) To operate a barber shop in connection with any other business or dwelling unless there is a substantial, dust or odor-proof partition or wall from the floor to the ceiling, separating the barber shop from such other business or dwelling. Access to the barber shop shall be by means of a separate entrance. Interior doors leading to the barber shop from adjacent rooms shall be securely locked and closed and shall not be used. Plans and specifications for any barber shop hereinafter established or removed to a new location, showing all details as to entrances, partitions, windows, openings, ventilation, vestibules, toilets, water supply, waste connections, sanitary equipment and other details as may be required by the board shall be submitted to and must be approved by the board before such shop may be opened for business. Nothing herein shall prohibit the sale of tobacco, newspapers or candy in original packages, or shoe shining or manieuring in barber shops.

(6) Any barber or other person in charge of a barber shop shall supply continuously hot and cold running water therein in such quantities as may be necessary to conduct such shop in sanitary manner.

(7) In places where there is a sewer system in close proximity to a barber shop the manager thereof shall cause such shop to be connected with such system. Where hot running water is not available, receptacles equipped with faucets must be installed holding not less than five gallons of hot water and must be connected with a wash bowl in a manner satisfactory to the board.

(8) The owner, manager, operator or any person in control, or having an interest in any school or college teaching barbering, wherein the practice of barbering is engaged in or carried on, whether in the same or in a connected or separate building, shall display or cause to be displayed at all entrances to the place wherein the practice of barbering is carried on a sign with letters not less than six inches high, indicating that the work therein is done exclusively by students.

(9) Any barber or other person in charge of a barber shop or school or college teaching barbering shall use or cause to be used therein separate and clean towels for each customer and every barber serving any customer shall wear washable outer linen, coat or apron, which shall be kept clean. Used towels must be discarded until relandered.

(10) Any barber or other person in charge of a barber shop shall provide the head rest on each chair with a separate clean sheet of paper for each patron.

(11) A clean strip of cotton, towel or paper band shall be placed around the neck of each patron served so that at no time the hair cloth will come in contact with the neck or skin of the patron.

(12) The state board of health may make other rules and regulations, and prescribe additional requirements as to sanitation in barber shops to carry out the purposes of this chapter.

(13) Any member or employe of the state board of health or any inspector shall have

authority to enter into and inspect any barber shop or school or college teaching barbering at any time during business hours. [1935 c. 467]

158.05 Barber division. (1) There is created and the state board of health shall maintain a division thereof to be known as the "barber division." Said division shall be composed of a supervisor, three inspectors and three examiners, and such clerks and other assistants as the board may deem necessary to effectively carry out the provisions of this chapter.

(2) The state board of health shall appoint and may remove for cause three barbers, who shall constitute the board of examiners in the barber division. Each of said examiners shall have been engaged in the practice of barbering in this state for at least five years immediately prior to his appointment. One of the appointed members shall be selected from a list of ten names recommended by the Wisconsin United Master Barbers' Association and one from a list of ten names recommended by the Wisconsin Journeyman Barbers' Association. Not more than two persons shall be recommended from any one county. Appointments and removals of examiners may be made without reference to the civil service law. Such lists shall be submitted to the board within twenty days after request therefor is made.

(3) One examiner shall be appointed for a term expiring January first next following his appointment; one examiner shall be appointed for a term expiring on January first of the second year next following such appointment; and one examiner shall be appointed for a term expiring January first of the third year next following such appointment. Thereafter members of the boards of examiners shall be appointed and hold office for terms of three years each. Each member shall hold office until his successor is appointed and qualified. Any vacancies on said board shall be filled by appointment for the unexpired term.

(f) The state board of health shall appoint, in accordance with the civil service law, not less than three barbers as inspectors, each of whom shall have been engaged in the practice of barbering in this state for at least five years immediately preceding his appointment.

158.06 Examinations. (1) The board of examiners shall conduct examinations of applicants for master barber licenses, not less than four times each year, at such time and place as the board may determine.

(2) The examination of applicants for master barber licenses shall include both practical demonstration and a written and oral test and shall embrace the subjects required to be taught in schools or colleges teaching barbering. [1935 c. 467]

158.07 Prior licensees. Any person who at the time of the taking effect of this chapter shall be actually engaged in the practice of barbering and shall be licensed as a master or journeyman barber under the provisions of chapter 158, statutes of nineteen hundred thirty-three, may have such license renewed without examination, provided he makes application and pays the renewal fee prior to June 1, 1936. All unexpired licenses are extended to June 2, 1936. A duly licensed journeyman engaged in the actual practice of barbering on the effective date of this chapter shall be entitled to take the examination for a master barber's license although he shall not satisfy all the higher educational qualifications prescribed in this chapter, provided he satisfies all other requirements. [1935 c. 467]

158.08 Students. (1) Any person may receive a student permit:

- (a) Who is at least sixteen years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who, as shown by affidavits, has completed the eighth grade or has an equivalent education as determined by the state board of vocational and adult education; and
- (d) Who attends a school or college teaching barbering approved by the state board of health. [1935 c. 467; 1937 c. 349]

158.09 Apprentices. (1) Any person may receive an indentured apprentice registration card:

- (a) Who is at least sixteen years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who, as shown by affidavits, has completed the eighth grade or has an equivalent education as determined by the state board of vocational and adult education; and
- (d) Who is indentured as an apprentice; and
- (e) Who has graduated from a school or college teaching barbering, or, if the one thousand two hundred forty-eight hours preliminary schooling has not been completed prior to entrance upon apprenticeship, shall attend a vocational and adult education school offering instruction in the theory of barbering, which shall not be construed to include haircutting and shaving, where one is available in the city in which the apprentice

resides or works, or in a nearby city, at least eight hours a week in the daytime on the employer's time, until his apprenticeship contract is completed or until he registers for a full-time course in a school teaching barbering and so notifies the industrial commission and procures a student permit from the state board of health. Provided, however, that during such period of full-time instruction the employer shall be relieved from having to pay any compensation to the apprentice. Completion of the one thousand two hundred forty-eight hours of instruction, in a manner satisfactory to the state board of health, shall not terminate the requirement, under the indenture, of at least one hundred forty-four hours per year daytime attendance at a vocational and adult education school.

(2) Indentured apprentices shall be governed by the provisions of chapter 106 of the statutes and apprenticeship rules and regulations of the industrial commission and the state board of health.

(3) The requirements of subsections (1) and (2) of this section shall not apply to persons who began an apprenticeship prior to the taking effect of this section. Such apprenticeships shall be governed by the law applicable when the permit was issued and shall be completed by January 1, 1939.

(4) Any apprentice indentured under the state apprenticeship law, who has completed the eighth grade, as shown by certificate or affidavit, or has an equivalent education as determined by the state board of vocational and adult education and who has a registration card as an apprentice in a state or country which has substantially the same requirements for an indentured apprentice registration card as this state, shall, upon making application to the state board of health, receive an indentured apprentice registration card, subject to all the requirements of this chapter.

(5) The period of apprenticeship shall be three years. Attendance at a school or college teaching barbering, approved by the state board of health, for a period of not less than twelve hundred forty-eight hours of instruction shall entitle the apprentice to a credit of six months toward the completion of such apprenticeship period.

(6) Each application for an apprentice's license shall be accompanied by a fee of one dollar. [1935 c. 467; 1937 c. 348, 349; 1939 c. 513 s. 35]

158.10 Journeyman barbers. (1) A journeyman barber's license shall be issued only to a person who has completed three years as a registered indentured apprentice under the supervision of a master barber, with credit for attendance at a school or college teaching barbering as provided in subsection (5) of section 158.09.

(2) Each application for a journeyman's license shall be accompanied by a fee of five dollars. Upon approval of the application the board shall issue a journeyman's license entitling the applicant to practice barbering under a master barber for a period of one year from the date of the license. After expiration of this license it must be renewed and such journeyman must take the first examination for a master barber's license given in his respective locality, provided he has served one year as a journeyman.

(3) The board shall refuse to grant a renewal of a journeyman's license to any journeyman who does not pass a satisfactory examination for a master barber's license after three attempts or to one who refuses to take such examination without good cause.

(4) Any barber from out of the state who is at least twenty years of age and of good moral character and temperate habits and has completed the eighth grade, as shown by certificate or affidavit, or has an equivalent education as determined by the state board of vocational and adult education, and either (1) has a license or certificate as a practicing barber from another state which has substantially the same requirements as this state, or (2) can prove by affidavits that he has practiced as a barber in another state or country for at least four years immediately prior to making application in this state, shall upon payment of the required fee be issued a journeyman's license for a term of one year, subject to the conditions of subsections (2) and (3) of this section.

(5) No apprentice or journeyman barber shall practice barbering except under the immediate personal supervision and direction of a licensed master barber and cannot be the owner, manager, director or lessee of a barber shop or have any interest therein other than as an employe. Not more than one apprentice shall be employed by any barber shop. Any barber shop employing more than one apprentice is classified and shall be advertised as a barber school. [1935 c. 467; 1937 c. 349]

158.11 Master barbers. (1) A master barber's license shall be issued only to one:

- (a) Who is at least twenty-one years of age;
- (b) Who has practiced barbering at least one year under a journeyman barber's license;
- (c) Who has satisfactorily passed an examination conducted by the board to determine his fitness to practice barbering;
- (d) Who is an American citizen.

(2) The fee to be paid by an applicant for an examination to determine his fitness

to receive a master barber's license shall be five dollars and for the issuance of the master barber's license, two dollars.

(3) All master barber's licenses shall expire on June first next succeeding issuance and be renewed on application on or before the expiration date at a renewal fee of two dollars. For the restoration of an expired master barber's license the renewal fee shall be five dollars. [1935 c. 467]

158.12 Shop managers. (1) No barber shop shall be conducted in this state except by one who, in addition to holding a master barber's license, holds a shop manager's license issued by the state board of health, as provided in this section. The state board of health shall issue a separate shop manager's license for each shop, which license is valid only in the place specified in said license, and which is not transferable.

(2) A shop manager's license may be granted only to one:

(a) Who holds an unexpired master barber's license, and who has been actively engaged in barbering in this state not less than 40 hours per week for at least one-half of the 2-year period immediately preceding the date of application for a shop manager's license, except that the requirement as to having actively been engaged in barbering shall not apply for the duration of the present war and for 6 months thereafter.

(b) Who has satisfactorily passed an examination conducted by the board to determine his fitness in managing a shop. This paragraph does not apply to any person holding an unexpired shop manager's license on June 5, 1943.

(3) The fee to be paid upon application for the issuance of a shop manager's license shall be three dollars. When application is made by more than one qualified person for a license covering the same shop such license may be issued in the name of all applicants. In case of a change in ownership of said shop or in the persons having an interest therein, notice of said change shall be given to the state board of health within ten days. Any person seeking a shop manager's license for more than one shop shall pay a separate fee for each shop.

(4) All shop managers' licenses shall expire on June first next succeeding issuance and be renewed on application on or before the expiration date at a renewal fee of three dollars. For the restoration of an expired shop manager's license the renewal fee shall be ten dollars. [1935 c. 467; 1937 c. 348; 1943 c. 257]

Note: Holder of unexpired barber shop engaged in barbering not less than 40 hours manager's and master barber's licenses is a week for at least one-half of preceding not entitled to shop manager's license covering two-year period, under (2) (a). 29 Atty. Gen. 422.

158.13 Licenses and certificates. (1) The state board of health 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, journeyman and master barber, certifying that the holder is entitled to practice barbering and such license shall be posted in a conspicuous place in front of the licensee's chair.

(b) Student barber, certifying that he is entitled to attend a school or college teaching barbering approved by the state board of health and such permit shall be posted in a conspicuous place in front of the licensee's chair.

(c) Shop manager, certifying that he is entitled to conduct a barber shop and this license shall be posted in a conspicuous place in the shop managed by the licensee.

(2) A master barber's license shall be issued by the board to any applicant who shall pass a satisfactory examination with an average grade of not less than seventy-five per cent, and who shall possess all other qualifications required by this chapter.

(3) Every master barber who continues in active practice or service and every shop manager who continues as an active manager shall, annually, on or before the first day of June, make application for a renewal of his license and pay the required fee. A master barber or shop manager whose license has expired may have his license restored upon the payment of the required fee. Any expired master barber's or shop manager's license which is not restored within a period of three years from the date of expiration, shall be annulled. After annulment of his master barber's license, such person may at any time make application for and be granted a journeyman's license, subject to all the conditions of subsection (2) of section 158.10. After annulment of his shop manager's license such person may not at any time make application for nor be granted a shop manager's license unless and until he can fulfill all of the requirements of section 158.12.

(4) A duplicate license shall be issued upon filing of a statement alleging loss of the license, verified by the oath of the applicant. Each duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the original license.

(5) No license issued pursuant to this chapter shall be transferred. [1935 c. 467]

158.14 Perjury and revocation. (1) The wilful making of any false statement as to the material matter in any oath or affidavit which is required by this chapter is perjury and shall be punished as such.

(2) The board may either refuse to issue or renew, or may suspend or revoke any shop manager's, master's or journeyman's license, indentured apprentice's registration card, or student's permit for any of the following causes:

- (a) Conviction of a felony or crime;
- (b) Malpractice or 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 another's trade name;
- (f) Habitual drunkenness or habitual addiction to the use of habit forming drugs;
- (g) Immoral or unprofessional conduct;
- (h) Violation of this chapter or of any of the rules or regulations prescribed under authority thereof.

(3) Any license, certificate or permit may be revoked or renewal thereof may be refused by the board upon five days' notice in writing of all 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 and to confront witnesses. [1935 c. 467]

158.15 Penalty. An owner, proprietor or manager of a barber shop or a school or college who contracts to teach any person barbering and accepts money in payment or who sells or rents or offers to sell or rent such barber shop to any person who has not a shop manager's or a master barber's license without first explaining to such person the provisions of this chapter; and any person who shall practice barbering without a license, an indentured apprentice registration card, or student permit; and any person who shall conduct or manage a barber shop without a manager's license; or who shall in any manner violate any provision of this chapter or any rule or regulation made by the board pursuant thereto; and any person who shall aid or abet any person in violating any provision of this chapter or in obtaining a license fraudulently or who shall employ an unlicensed barber, shall be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than ten dollars nor more than one hundred dollars or be imprisoned not less than ten days nor more than ninety days in the county jail, or be punished by both such fine and imprisonment. [1935 c. 467; 1937 c. 348]

158.16 Separability of provisions. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. [1935 c. 467]