

No. 142, S.]

[Published April 23, 1925.]

CHAPTER 67.

AN ACT to create subsection (7) of section 331.07 (4258) of the statutes, relating to set-off of mutual judgments.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 331.07 of the statutes to be numbered and to read: (331.07) (7) Judgments for the payment of money may be set off by the court, pro tanto, when the parties in interest are identical, upon motion, in the action in which the mover is the judgment debtor; and notice of motion and proof of service thereof filed in said action shall stay execution till the motion is disposed of; and any assignment during said time shall not prejudice the rights of any party. If the actions are in different courts, the moving party shall, at or prior to the entry of the order of set-off, tender to the other party a proper satisfaction.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1925.

No. 104, S.]

[Published April 25, 1925.]

CHAPTER 68.

AN ACT to repeal chapter 159 of the statutes and to create a new chapter of the statutes to be numbered chapter 159, regulating the practice of cosmetic art, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 159 of the statutes is repealed.

SECTION 2. A new chapter is added to the statutes to be numbered and to read: CHAPTER 159 159.01 (1) "Cosmetic art" is the systematic massaging with the hands or mechanical apparatus of the scalp, face, neck, shoulders and hands, the use of cosmetic preparations and antiseptics; manicuring, bobbing, dyeing, cleansing, arranging, waving and marcelling of the hair

and the use of electricity for stimulating and for the removal of superfluous hair with the electric needle or by high frequency.

(2) "Cosmetician" is any person who, for compensation, practices cosmetic art or conducts or maintains a beauty parlor.

(3) "Beauty parlor" is any building or part thereof wherein cosmetic art is practiced.

(4) "Manager" or "managing cosmetician", as used in this section, is defined as any person who has direct supervision over operators or apprentices in a beauty parlor or school.

(5) "Operator" is any person who is not a manager, itinerant or apprentice cosmetician, who practices cosmetic art under the direction and supervision of a managing cosmetician.

(6) "Itinerant cosmetician" is any person who practices cosmetic art outside of a beauty parlor either in going from house to house or from place to place at regular or irregular intervals.

(7) "Manicurist" is any person who does manicuring only, outside of a beauty parlor, for compensation.

(8) "Apprentice" is any person who is not a manager, itinerant cosmetician or operator, who is engaged in learning and acquiring the practice of cosmetic art under the direction and supervision of a licensed managing cosmetician.

(9) A school of cosmetic art is a school established under the provisions of section 159.02.

(10) Licenses to practice cosmetic art 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 cosmetic art contained in paragraph (a) of this section, except that licensed cosmeticians may, under direction of a duly licensed and practicing physician, give treatments for conditions of the skin other than as indicated in paragraph (a) 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.

159.02 No person, firm or corporation shall operate a school for the purpose of teaching cosmetic art unless a proper certificate of registration has been obtained from the state board of

health. Applications for such certificate shall be filed with such board in such form as the board shall prescribe. No school for teaching cosmetic art shall be granted a certificate of registration unless it shall attach to its staff a regularly licensed physician and employs and maintains a sufficient number of instructors registered as such, who shall hold a manager's license as prescribed by the state board of health and shall require a course of training not less than six hundred hours to include both practical demonstrations, written and oral tests and include practical instructions, sanitation, sterilization and the use of antiseptics with the practical and theoretical requirements as applicable to cosmetic art. Nothing contained herein shall prohibit a registered manager who conducts a beauty parlor from teaching cosmetic art in the regular course of business providing he does not hold such beauty parlor out as a school and does not hire or employ or teach regularly more than one apprentice to each three or less operators regularly employed in such beauty parlor.

159.03 The state board of health shall enforce the provisions of this chapter and shall prescribe and promulgate rules and regulations for the examining and licensing of managing and itinerant cosmeticians, and shall make and enforce reasonable rules governing the sanitary and hygienic conditions surrounding the practice of cosmetic art and the conduct and operation of beauty parlors. All fees required to be paid by any person or persons shall be paid to the secretary of the state board of health.

159.04 The state board of health shall appoint and may remove the members of the board of examiners, which shall consist of three competent persons, each of whom shall have been engaged, for at least five years in this state, in all branches of cosmetic art as a managing cosmetician and no two members shall be graduates of the same school of cosmetic art or practitioners of the same system or method. They shall be exempt from civil service. Each examiner shall receive ten dollars for each day actually engaged in the performance of his duties, and his actual and necessary expenses incurred therein. The total expenditures for carrying out the provision of this chapter shall not exceed the appropriation made in subsection (12) of section 20.43.

159.05. The state board of health shall appoint, and may remove, one woman inspector, who shall devote such time to inspecting beauty parlors, and in doing such other duties the board

assigns, and may enter any beauty parlor during reasonable business hours for the purpose of inspection. Whenever complaint is made to said board that any beauty parlor is kept in an unsanitary condition, or that contagious disease has been imparted to any person thereby, said board shall cause such complaint to be investigated and upon cause shown, shall institute proper proceedings thereon.

159.06 Regular examinations for the licensing of managing and itinerant cosmeticians shall be held at least four times a year at such times and places as shall be determined by the state board of health. The board of examiners may prescribe rules and regulations for the conduct of such examinations, subject to the approval of the state board of health. The board shall keep a register of all licensed managers, itinerant cosmeticians, operators, manicurists and apprentices, which register shall be open to the public inspection at all reasonable times. The board shall also keep a record of all its proceedings, and such records shall be prima facie evidence of all matters contained therein. The board shall file with the governor annually in July a report which shall contain a full and itemized statement of all its receipts, expenditures, and of its proceedings.

159.07 All itinerant cosmeticians who have been so engaged since July 1, 1924, shall be entitled to a license to practice without an examination, provided an application for such license is filed before September 1, 1925, and upon the payment of a fee equal to one-half of the fee required under the provisions of subsection 159.11.

159.08 Applications for licenses under this chapter shall be filed with the state board of health. No license shall be issued unless the applicant presents competent proof that he is of good moral character and has an education equivalent to the completion of the eighth grade in the common schools.

(a) Applicants for managers' or itinerants' licenses shall be at least twenty-one years of age; have practiced in a beauty parlor or school of cosmetic art for at least eighteen months, including time spent in instruction.

(b) Applicants for an operator's license shall have a total experience of at least six months as an apprentice, including time spent in instruction in a beauty parlor or school of cosmetic art.

(c) Applicants for a manicurist's license shall be at least eighteen years of age and have served three months under the supervision of a licensed manager.

159.09 Any person now actually engaged in the practice of cosmetic art, either as a manager or operator, who has been duly licensed as such under any provision of law in force at the time of the enactment of this chapter, may have such license renewed without examination, provided application for such renewal is made on or before December 20, 1925, and all licenses to practice cosmetic art heretofore issued shall continue in full force and effect until December 31, 1925.

159.10 No license shall be for a longer period than one year, and all licenses shall expire on December thirty-first, next succeeding, except that apprentices' licenses shall expire at the end of six months after date of issue. All applications for the renewal of the license of a manager, operator, manicurist or itinerant cosmetician, for the next succeeding year, shall be made on or before December twentieth, with the proper fee therefor.

159.11 No license shall be issued or renewed unless the application shall be accompanied by the proper fee therefor as follows:

(a) Managers' or itinerants' licenses: the initial fee of fifteen dollars or the renewal fee of ten dollars, if application is made on or before December twentieth, annually; after that date an additional fee of five dollars.

(b) Operators' or manicurists' licenses: the initial or renewal fee of two dollars, if application is made on or before December twentieth; after that date an additional fee of one dollar.

(c) Apprentice permit: no fee.

159.12 Apprentices shall practice for six months under the supervision and direction of a licensed manager before they shall be eligible to be licensed as operators. Upon proof of having so practiced and upon payment of two dollars an operator's license may be issued. An operator may be licensed as a manager after serving one year as an operator under the supervision and direction of a licensed manager if she have education equivalent to the eighth grade, passes examination, and pays fifteen dollars. No fee shall be refunded except that the initial fee may be returned in case of sickness or other good cause appearing to the satisfaction of the board preventing an applicant from attend-

ing and completing an examination. In case of failure to pass such examination, the applicant shall be entitled to a further examination within one year thereafter without the payment of any additional fee. Such subsequent examination shall be only in such subjects in which the applicant failed in the first examination.

159.13 The board of health shall furnish to each licensee a card or insignia bearing the seal of said board and the name of its secretary, certifying that the holder thereof is entitled to practice cosmetic art, which must be posted in a conspicuous place. Licenses shall be issued only to such persons who are possessed of the requisite skill in order to perform properly all the duties such as shampooing, manicuring, scalp treatments, facial massage, and have sufficient knowledge concerning the common diseases of the face and scalp to avoid aggravating and spreading of disease in the practice of their profession. No license to practice that branch of cosmetic art, involving the use of the electric needle for the removal of superfluous hair, shall be issued unless special application therefor shall be made to said board that such applicant has successfully completed a course of training in such branch of cosmetic art, and has passed an examination to the satisfaction of said board. Managing and itinerant cosmeticians must notify the state board of health of change of address.

159.14 The state board of health may revoke or refuse to renew any license upon proof that such licensee has been convicted of a felony; is guilty of gross incompetency; has imparted or is affected with a communicable disease; is advertising by means of fraud; has violated the law or sanitary rules; is guilty of professional conduct which is reprehensible in the judgment of said board; has obtained a license by fraud; practices cosmetic art under any name other than his own; is an habitual drunkard or habitually addicted to the use of morphine, cocaine, or other harmful drugs, or is of immoral character. No license shall be revoked unless the holder thereof shall have notice in writing of the charges against him and is given a public hearing at a time specified therein, which shall be at least five days after the date of service thereof and an opportunity given to present testimony in his behalf and to be confronted by witnesses against him. Ninety days after the revocation of any

license, upon application and satisfactory proof that the disqualification so found has been removed, the license may be re-granted.

159.15 Any person who shall practice cosmetic art either as a manager, operator, apprentice, itinerant cosmetician, or manicurist, without license, or any person who shall employ a manager, operator, manicurist, or apprentice, without a license, or falsely pretend to be licensed, or shall violate the law or any of the sanitary rules for the regulation of the practice of cosmetic art, shall be fined not less than ten nor more than one hundred dollars, or be imprisoned not less than ten nor more than ninety days, or by both.

159.16 Any owner, proprietor or manager of a beauty parlor or school of cosmetic art who contracts with any person to train such person in cosmetic art or any branch thereof and accepts money in payment, or who sells or offers to sell such beauty parlor 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.

SECTION 3. This act shall take effect May 1, 1925.

Approved April 24, 1925.

No. 98, A.]

[Published April 30, 1925.

CHAPTER 69.

AN ACT to amend subsection 3 of section 4446h (343.488) of the statutes, relating to the shipment of chickens.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 3 of section 4446h (343.488) of the statutes is amended to read: (Section 4446h) (343.488)

3. Whenever any regularly appointed agent of * * * any humane society or any peace officer in this state shall ascertain or observe any shipment of chickens in a crowded or congested condition, such agent or peace officer may take or cause to be taken such steps as to give immediate relief.

SECTION. 2. This act shall take effect upon passage and publication.

Approved April 29, 1925.