



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0866

Introduced 2/2/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Changes all references to the Barber, Cosmetology, Esthetics, and Nail Technology Committee to the Barber, Cosmetology, Esthetics, and Nail Technology Board. Removes licensed barbers and barber teachers from those persons allowed to hold themselves out as estheticians or esthetics teachers and engage in the practice of esthetics without being licensed as estheticians or esthetics teachers. Adds performing certain services upon the cranial prosthesis or cranial prosthetic attachment of any person to the definition of barbering and cosmetology. Sets forth qualifications for the licensure of barber clinic teachers. Prohibits cosmetologists, estheticians, and nail technicians from using any technique, product, or practice intended to affect the living layers of the skin (now, prohibits them from performing any procedure that may puncture or abrade the skin below the stratum corneum of the epidermis or remove closed milia which may draw blood or serous body fluid). Provides that in order for a person to be qualified to receive a license as a cosmetologist or nail technician, that person must be beyond the age of compulsory school attendance or have a certificate of graduation from a school providing secondary education or the recognized equivalent of that certificate (now, he or she must have graduated from an eighth grade elementary school). Provides that in order for a person to be qualified to receive a license as a cosmetology clinic teacher, esthetics clinic teacher, or nail technology clinic teacher that person must have (i) completed a clinic teacher program of a certain number of hours or (ii) within 5 years preceding the required examination, have a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed member of the profession (now, requires the person to do both). Raises continuing education program sponsor application fees. Repeals Sections concerning pre-existing nail technology and nail technology teacher practitioners. Makes other changes.

LRB094 06221 RAS 36291 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Sections 1-4,
6 1-7, 2-1, 2-7, 2A-7, 3-1, 3-2, 3-4, 3-6, 3-7, 3A-1, 3A-3, 3A-5,
7 3B-10, 3B-11, 3B-13, 3B-15, 3C-1, 3C-2, 3C-3, 3D-5, 4-1, 4-1.5,
8 and 4-2 and by adding Section 2-4b as follows:

9 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

10 (Section scheduled to be repealed on January 1, 2006)

11 Sec. 1-4. Definitions. In this Act the following words
12 shall have the following meanings:

13 "Board" means the Barber, Cosmetology, Esthetics, and Nail
14 Technology Board.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 ~~"Committee" means the Barber, Cosmetology, Esthetics, and~~
19 ~~Nail Technology Committee.~~

20 "Licensed barber" means an individual licensed by the
21 Department to practice barbering and esthetics as defined in
22 this Act and whose license is in good standing.

23 "Licensed cosmetologist" means an individual licensed by
24 the Department to practice cosmetology, nail technology, and
25 esthetics as defined in this Act and whose license is in good
26 standing.

27 "Licensed esthetician" means an individual licensed by the
28 Department to practice esthetics as defined in this Act and
29 whose license is in good standing.

30 "Licensed nail technician" means any individual licensed
31 by the Department to practice nail technology as defined in
32 this Act and whose license is in good standing.

1 "Licensed barber teacher" means an individual licensed by
2 the Department to practice barbering and esthetics as defined
3 in this Act and to provide instruction in the theory and
4 practice of barbering and esthetics to students in an approved
5 barber school or esthetics school.

6 "Licensed cosmetology teacher" means an individual
7 licensed by the Department to practice cosmetology, esthetics,
8 and nail technology as defined in this Act and to provide
9 instruction in the theory and practice of cosmetology,
10 esthetics, and nail technology to students in an approved
11 cosmetology, esthetics, or nail technology school.

12 "Licensed cosmetology clinic teacher" means an individual
13 licensed by the Department to practice cosmetology, esthetics,
14 and nail technology as defined in this Act and to provide
15 clinical instruction in the practice of cosmetology,
16 esthetics, and nail technology in an approved school of
17 cosmetology, esthetics, or nail technology.

18 "Licensed esthetics teacher" means an individual licensed
19 by the Department to practice esthetics as defined in this Act
20 and to provide instruction in the theory and practice of
21 esthetics to students in an approved cosmetology or esthetics
22 school.

23 "Licensed esthetics clinic teacher" means an individual
24 licensed by the Department to practice esthetics as defined in
25 this Act and to provide clinical instruction in the practice of
26 esthetics in an approved school of cosmetology or an approved
27 school of esthetics.

28 "Licensed nail technology teacher" means an individual
29 licensed by the Department to practice nail technology and to
30 provide instruction in the theory and practice of nail
31 technology to students in an approved nail technology school or
32 cosmetology school.

33 "Licensed nail technology clinic teacher" means an
34 individual licensed by the Department to practice nail
35 technology as defined in this Act and to provide clinical
36 instruction in the practice of nail technology in an approved

1 school of cosmetology or an approved school of nail technology.

2 "Enrollment" is the date upon which the student signs an
3 enrollment agreement or student contract.

4 "Enrollment agreement" or "student contract" is any
5 agreement, instrument, or contract however named, which
6 creates or evidences an obligation binding a student to
7 purchase a course of instruction from a school.

8 "Enrollment time" means the maximum number of hours a
9 student could have attended class, whether or not the student
10 did in fact attend all those hours.

11 "Elapsed enrollment time" means the enrollment time
12 elapsed between the actual starting date and the date of the
13 student's last day of physical attendance in the school.

14 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

15 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

16 (Section scheduled to be repealed on January 1, 2006)

17 Sec. 1-7. Licensure required; renewal.

18 (a) It is unlawful for any person to practice, or to hold
19 himself or herself out to be a cosmetologist, esthetician, nail
20 technician, or barber without a license as a cosmetologist,
21 esthetician, nail technician, or barber issued by the
22 Department of Professional Regulation pursuant to the
23 provisions of this Act and of the Civil Administrative Code of
24 Illinois. It is also unlawful for any person, firm,
25 partnership, or corporation to own, operate, or conduct a
26 cosmetology, esthetics, nail technology, or barber school
27 without a license issued by the Department or to own or operate
28 a cosmetology, esthetics, or nail technology salon or barber
29 shop without a certificate of registration issued by the
30 Department. It is further unlawful for any person to teach in
31 any cosmetology, esthetics, nail technology, or barber college
32 or school approved by the Department or hold himself or herself
33 out as a cosmetology, esthetics, nail technology, or barber
34 teacher without a license as a teacher, issued by the
35 Department or as a cosmetology, esthetics, or nail technology

1 clinic teacher without a license as a clinic teacher issued by
2 the Department.

3 (b) Notwithstanding any other provision of this Act, a
4 person licensed as a cosmetologist ~~or barber~~ may hold himself
5 or herself out as an esthetician and may engage in the practice
6 of esthetics, as defined in this Act, without being licensed as
7 an esthetician. A person licensed as a cosmetology teacher ~~or~~
8 ~~barber teacher~~ may teach esthetics or hold himself or herself
9 out as an esthetics teacher without being licensed as an
10 esthetics teacher. A person licensed as a cosmetologist may
11 hold himself or herself out as a nail technician and may engage
12 in the practice of nail technology, as defined in this Act,
13 without being licensed as a nail technician. A person licensed
14 as a cosmetology teacher may teach nail technology and hold
15 himself or herself out as a nail technology teacher without
16 being licensed as a nail technology teacher.

17 (c) A person licensed as a barber teacher may hold himself
18 or herself out as a barber and may practice barbering without a
19 license as a barber. A person licensed as a cosmetology teacher
20 may hold himself or herself out as a cosmetologist,
21 esthetician, and nail technologist and may practice
22 cosmetology, esthetics, and nail technology without a license
23 as a cosmetologist, esthetician, or nail technologist. A person
24 licensed as an esthetics teacher may hold himself or herself
25 out as an esthetician without being licensed as an esthetician
26 and may practice esthetics. A person licensed as a nail
27 technician teacher may practice nail technology and may hold
28 himself or herself out as a nail technologist without being
29 licensed as a nail technologist.

30 (d) The holder of a license issued under this Act may renew
31 that license during the month preceding the expiration date of
32 the license by paying the required fee.

33 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

34 (225 ILCS 410/2-1) (from Ch. 111, par. 1702-1)

35 (Section scheduled to be repealed on January 1, 2006)

1 Sec. 2-1. Barbering defined. Any one or any combination of
2 the following practices constitutes the practice of barbering:

3 To shave or trim the beard or cut the hair; to style,
4 arrange, dress, curl, wave, straighten, clean, singe, epilate,
5 depilate, shampoo, marcel, chemically restructure, bleach,
6 tint, color or similarly work upon the hair or cranial
7 prothesis of any person; to give relaxing facial or scalp
8 massage or treatments with oils, creams or other preparations
9 either by hand or by mechanical appliances. Nothing in this Act
10 shall be construed to prohibit the shampooing of hair by
11 persons employed for that purpose and who perform such task
12 under the direct supervision of a licensed barber.

13 (Source: P.A. 89-387, eff. 1-1-96.)

14 (225 ILCS 410/2-4b new)

15 Sec. 2-4b. Licensure as a barber clinic teacher;
16 qualifications. A person is qualified to receive a license as a
17 barber clinic teacher if that person files an application on
18 forms provided by the Department, pays the required fee, and:

19 (1) is at least 18 years of age;

20 (2) has graduated from high school or its equivalent;

21 (3) has a current license as a cosmetologist;

22 (4) has completed a program of 250 hours of clinic
23 teacher training in a licensed school of barbering or
24 cosmetology and has 2 years of practical experience as a
25 licensed barber within 5 years preceding the examination;

26 (5) has passed an examination authorized by the
27 Department to determine fitness to receive a license as a
28 barber teacher; and

29 (6) has met any other requirements of this Act.

30 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 2-7. Examination of applicants. The Department shall
33 hold examinations of applicants for licensure as barbers and
34 teachers of barbering at such times and places as it may

1 determine. Upon request, the examinations shall be
2 administered in Spanish.

3 Each applicant shall be given a written examination testing
4 both theoretical and practical knowledge of the following
5 subjects insofar as they are related and applicable to the
6 practice of barber science and art: (1) anatomy, (2)
7 physiology, (3) skin diseases, (4) hygiene and sanitation, (5)
8 barber history, (6) barber law, (7) hair cutting and styling,
9 (8) shaving, shampooing, and permanent waving, (9) massaging,
10 (10) bleaching, tinting, and coloring, and (11) implements.

11 The examination of applicants for licensure ~~registration~~
12 as a barber teacher shall include: (a) practice of barbering
13 and styling, (b) theory of barbering, (c) methods of teaching,
14 and (d) school management.

15 This Act does not prohibit the practice as a barber or
16 barber teacher by one who has applied in writing to the
17 Department, in form and substance satisfactory to the
18 Department, for a license and has complied with all the
19 provisions of this Act in order to qualify for a license except
20 the passing of an examination, until: (a) the expiration of 6
21 months after the filing of such written application, or (b) the
22 decision of the Department that the applicant has failed to
23 pass an examination within 6 months or failed without an
24 approved excuse to take an examination conducted within 6
25 months by the Department, or (c) the withdrawal of the
26 application.

27 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

28 (225 ILCS 410/2A-7)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 2A-7. Requirements for licensure as barber school. A
31 person, firm, or corporation may not own, operate or conduct a
32 school or college of barbering for the purpose of teaching
33 barbering for compensation without filing an application with
34 the Department on forms provided by the Department, paying the
35 required fees, and complying with the following requirements:

1 1. The applicant must submit to the Department for
2 approval:

3 a. A floor plan, drawn to a scale specified on the
4 floor plan, showing every detail of the proposed
5 school;

6 b. A lease commitment or proof of ownership for the
7 location of the proposed school; a lease commitment
8 must provide for execution of the lease upon the
9 Department's approval of the school's application and
10 the lease must be for a period of at least one year;
11 and

12 c. A written inspection report made by a local fire
13 authority ~~the State Fire Marshal~~ approving the use of
14 the proposed premises as a barbering school.

15 2. The applicant must submit a certified financial
16 statement prepared by a licensed public accountant who is
17 not an employee of the school, indicating sufficient
18 finances to guarantee operation for one full year.

19 3. The proposed barber school or college shall have a
20 minimum of one theory or demonstration room, one workroom,
21 and 2 toilet facilities.

22 The minimum equipment in the workroom shall be 20
23 barber chairs, one cabinet and one wet sterilizer for each
24 barber chair, four shampoo basins complete with shampoo
25 spray, one electric vibrator for each 10 barber chairs, and
26 one scalp-treatment high frequency electricity apparatus
27 for each 10 barber chairs.

28 The municipality in which the proposed new barber
29 school is to be located shall be large enough to support
30 the proposed barber school to the degree that the students
31 who might be enrolled in the proposed barber school would
32 be assured of sufficient practice to enable them to become
33 competent workers.

34 It shall be a requirement for maintaining and renewing
35 a barber school license that the school or college of
36 barbering actually provide instruction and teaching, as

1 well as maintain the equipment required by this Section. If
2 a barber school ceases operation for any reason, the
3 Department shall place the school's license on inoperative
4 status, without hearing, for a period of up to one year
5 from the date that the school ceases operation. A barber
6 school license on inoperative status may be restored by the
7 Department upon resumption of operation in accordance with
8 the requirements of this Act. A license on inoperative
9 status may not be renewed.

10 A barber school license that remains on inoperative
11 status for a period of one year shall automatically,
12 without hearing, be cancelled. A cancelled license may not
13 be renewed or restored. A person, firm, or corporation
14 whose license has been cancelled and who wishes to own,
15 operate, or conduct a school or college of barbering for
16 the purpose of teaching barbering for compensation must
17 apply for a new license.

18 4. The proposed barber school or college shall have a
19 curriculum that includes each of the following subjects:
20 the preparation and care of barber implements, the art of
21 haircutting, styling, shaving, beard trimming and
22 shampooing, relaxing facial and scalp massaging and
23 treatments either by hand or mechanical appliances, hair
24 tinting, coloring, and bleaching, permanent waving, barber
25 anatomy, physiology, bacteriology, cleaning and
26 disinfection ~~sanitation~~, barber history, Illinois barber
27 law, electricity and light rays, and a course concerning
28 the recognition of ~~dealing with the~~ common diseases of the
29 skin and methods to avoid the aggravation and spreading
30 thereof in the practice of barbering.

31 In a 1500 hour barber course all students shall receive
32 a minimum of 150 hours of lectures, demonstrations, or
33 discussions. The remaining 1350 hours shall be devoted to
34 bacteriology, skin and scalp diseases, sanitation,
35 antiseptics and disinfectants, trichology, anatomy,
36 physiology, shampoo-tinting techniques, facial massages,

1 hair treatments, electrical devices, shaving, women's
2 haircutting, chemical processing, professional ethics,
3 personal hygiene, public safety, career preparation, hair
4 cutting techniques, facial razor techniques,
5 shampoo-tinting chemicals, and massage and scalp
6 treatments; practical application of the student's skill
7 in the workroom; and any, ~~or to~~ additional theory or other
8 classwork, at the discretion of the instructor.

9 5. The school shall comply with all rules of the
10 Department establishing the necessary curriculum and
11 equipment required for the conduct of such school.

12 6. The school shall employ a sufficient number of
13 qualified teachers of barbering who are holders of a
14 current license issued by the Department, which staff is
15 adequate only if the ratio of students to teachers does not
16 exceed 25 students for each barber teacher.

17 7. A final inspection of the barber school shall be
18 made by the Department before the school may commence
19 classes. The inspection shall include a determination of
20 whether:

21 a. All of the requirements of paragraph 1 of this
22 Section have been met.

23 b. The school is in compliance with all rules of
24 the Department established for the purpose of
25 determining the necessary curriculum and equipment
26 required for the school.

27 c. A sufficient number of qualified teachers of
28 barbering who are holders of current licenses issued by
29 the Department are employed.

30 Upon meeting all of the above requirements, the Department
31 may issue a license and the school may commence classes.

32 No barber school may cease operation without first
33 delivering its student records to a place of safekeeping in
34 accordance with Department rule.

35 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
36 90-580, eff. 5-21-98.)

1 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 3-1. Cosmetology defined. Any one or any combination
4 of the following practices constitutes the practice of
5 cosmetology when done for cosmetic or beautifying purposes and
6 not for the treatment of disease or of muscular or nervous
7 disorder: arranging, braiding, dressing, cutting, trimming,
8 curling, waving, chemical restructuring, shaping, singeing,
9 bleaching, coloring or similar work, upon the hair of the head
10 or any cranial prosthetic attachment; cutting or trimming
11 facial hair of any person; any practice of manicuring,
12 pedicuring, decorating nails, applying sculptured nails or
13 otherwise artificial nails by hand or with mechanical or
14 electrical apparatus or appliances, or in any way caring for
15 the nails or the skin of the hands or feet including massaging
16 the hands, arms, elbows, feet, lower legs, and knees of another
17 person for other than the treatment of medical disorders; any
18 practice of epilation or depilation of any person; any practice
19 for the purpose of cleansing, massaging or toning the skin of
20 the scalp; beautifying, massaging, cleansing, exfoliating, or
21 stimulating the stratum corneum of the epidermis, ~~or~~
22 ~~stimulating the skin of the human body~~ by the use of cosmetic
23 preparations, ~~antiseptics~~, body treatments, body wraps, the
24 use of hydrotherapy, ~~tonics, lotions or creams~~ or any device,
25 electrical, mechanical, or otherwise, ~~for the care of the skin~~;
26 applying make-up or eyelashes to any person or, ~~tinting~~
27 ~~eyelashes and eyebrows and~~ lightening hair on the body and
28 removing superfluous hair from the body of any person by the
29 use of depilatories, waxing or tweezers. The term "cosmetology"
30 does not include the services provided by an electrologist.
31 Nail technology is the practice and the study of cosmetology
32 only to the extent of manicuring, pedicuring, decorating, and
33 applying sculptured or otherwise artificial nails, or in any
34 way caring for the nail or the skin of the hands or feet
35 including massaging the hands, arms, elbows, feet, lower legs,

1 and knees. Cosmetologists are prohibited from using any
2 technique, product, or practice intended to affect the living
3 layers of the skin ~~performing any procedure that may puncture~~
4 ~~or abrade the skin below the stratum corneum of the epidermis~~
5 ~~or remove closed milia (whiteheads) which may draw blood or~~
6 ~~serous body fluid.~~ The term cosmetology includes rendering
7 advice on what is cosmetically appealing, but no person
8 licensed under this Act shall render advice on what is
9 appropriate medical treatment for diseases of the skin.
10 Purveyors of cosmetics may demonstrate such cosmetic products
11 in conjunction with any sales promotion and shall not be
12 required to hold a license under this Act. Nothing in this Act
13 shall be construed to prohibit the shampooing of hair by
14 persons employed for that purpose and who perform that task
15 under the direct supervision of a licensed cosmetologist or
16 licensed cosmetology teacher.

17 (Source: P.A. 91-863, eff. 7-1-00.)

18 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 3-2. Licensure; qualifications.

21 (1) A person is qualified to receive a license as a
22 cosmetologist who has filed an application on forms provided by
23 the Department, pays the required fees, and:

24 a. Is at least 16 years of age; and

25 b. Is beyond the age of compulsory school attendance or
26 has received a certificate of graduation from a school
27 providing secondary education ~~Has graduated from an eighth~~
28 ~~grade elementary school,~~ or the recognized ~~its~~ equivalent
29 of that certificate; and

30 c. Has graduated from a school of cosmetology approved
31 by the Department, having completed a program of 1500 hours
32 in the study of cosmetology extending over a period of not
33 less than 8 months nor more than 7 consecutive years. A
34 school of cosmetology may, at its discretion, consistent
35 with the rules of the Department, accept up to 500 hours of

1 barber school training at a recognized barber school toward
2 the 1500 hour program requirement of cosmetology. Time
3 spent in such study under the laws of another state or
4 territory of the United States or of a foreign country or
5 province shall be credited toward the period of study
6 required by the provisions of this paragraph; and

7 d. Has passed an examination authorized by the
8 Department to determine fitness to receive a license as a
9 cosmetologist. ~~The requirements for remedial training set
10 forth in Section 3-6 of this Act may be waived in whole or
11 in part by the Department upon proof to the Department that
12 the applicant has demonstrated competence to again sit for
13 the examination. The Department shall promulgate rules
14 establishing the standards by which such determination
15 shall be made; and~~

16 e. Has met any other requirements of this Act.

17 (2) (Blank). ~~If the applicant applies for a license as a
18 cosmetologist on September 1, 2000 or September 2, 2000, the
19 Department may accept a verified 10 years of cosmetology
20 experience, which may include esthetics or nail technology
21 experience, before July 1, 2000 in lieu of the requirements in
22 items c and d of subsection (1) of this Section.~~

23 (Source: P.A. 93-253, eff. 7-22-03.)

24 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

25 (Section scheduled to be repealed on January 1, 2006)

26 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
27 clinic teacher; qualifications.

28 (a) A person is qualified to receive license as a
29 cosmetology teacher if that person has applied in writing on
30 forms provided by the Department, has paid the required fees,
31 and:

32 (1) is at least 18 years of age;

33 (2) has graduated from high school or its equivalent;

34 (3) has a current license as a cosmetologist;

35 (4) has either: (i) completed a program of 500 hours of

1 teacher training in a licensed school of cosmetology and
2 had 2 years of practical experience as a licensed
3 cosmetologist within 5 years preceding the examination; or
4 (ii) completed a program of 1,000 hours of teacher training
5 in a licensed school of cosmetology;

6 (5) has passed an examination authorized by the
7 Department to determine fitness to receive a license as a
8 cosmetology teacher; and

9 (6) has met any other requirements of this Act.

10 ~~A cosmetology teacher who teaches esthetics, in order to be~~
11 ~~licensed, shall demonstrate, to the satisfaction of the~~
12 ~~Department, current skills in the use of machines used in the~~
13 ~~practice of esthetics.~~

14 ~~An individual who receives a license as a cosmetology~~
15 ~~teacher shall not be required to maintain an active cosmetology~~
16 ~~license in order to practice cosmetology as defined in this~~
17 ~~Act.~~

18 (b) A person is qualified to receive a license as a
19 cosmetology clinic teacher if he or she has applied in writing
20 on forms provided by the Department, has paid the required
21 fees, and:

22 (1) is at least 18 years of age;

23 (2) has graduated from high school or its equivalent;

24 (3) has a current license as a cosmetologist;

25 (4) has (i) completed a program of 250 hours of clinic
26 teacher training in a licensed school of cosmetology or
27 (ii) within 5 years preceding the examination, ~~and~~ has
28 obtained a minimum of 2 years of practical experience
29 working at least 30 full-time hours per week as a licensed
30 cosmetologist ~~within 5 years preceding the examination;~~

31 (5) has passed an examination authorized by the
32 Department to determine fitness to receive a license as a
33 cosmetology teacher; ~~and~~

34 (6) has completed an instructor's institute of 20
35 hours, as prescribed by the Department, prior to submitting
36 an application for examination; and ~~has met any other~~

1 ~~requirements of this Act.~~

2 (7) has met any other requirements of this Act.

3 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
4 91-863, eff. 7-1-00.)

5 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 3-6. Examination. The Department shall authorize
8 examinations of applicants for licensure as cosmetologists
9 ~~and~~ teachers of cosmetology through available physical and
10 electronic means ~~at the times and places it may determine~~. If
11 an applicant for licensure as a cosmetologist fails to pass 3
12 examinations conducted by the Department, the applicant shall,
13 before taking a subsequent examination, furnish evidence of not
14 less than 250 hours of additional study of cosmetology in an
15 approved school of cosmetology since the applicant last took
16 the examination. If an applicant for licensure as a cosmetology
17 teacher fails to pass 3 examinations conducted by the
18 Department, the applicant shall, before taking a subsequent
19 examination, furnish evidence of not less than 80 hours of
20 additional study in teaching methodology and educational
21 psychology in an approved school of cosmetology since the
22 applicant last took the examination. An applicant who fails to
23 pass the fourth examination shall not again be admitted to an
24 examination unless: (i) in the case of an applicant for
25 licensure as a cosmetologist, the applicant again takes and
26 completes a program of 1500 hours in the study of cosmetology
27 in an approved school of cosmetology extending over a period
28 that commences after the applicant fails to pass the fourth
29 examination and that is not less than 8 months nor more than 7
30 consecutive years in duration; (ii) in the case of an applicant
31 for licensure as a cosmetology teacher, the applicant again
32 takes and completes a program of 1000 hours of teacher training
33 in an approved school of cosmetology, except that if the
34 applicant had 2 years of practical experience as a licensed
35 cosmetologist within the 5 years preceding the initial

1 examination taken by the applicant, the applicant must again
2 take and complete a program of 500 hours of teacher training in
3 an approved school of cosmetology, esthetics, or nail
4 technology; or (iii) in the case of an applicant for licensure
5 as a cosmetology clinic teacher, the applicant again takes and
6 completes a program of 250 hours of clinic teacher training in
7 a licensed school of cosmetology. The requirements for remedial
8 training set forth in this Section may be waived in whole or in
9 part by the Department upon proof to the Department that the
10 applicant has demonstrated competence to again sit for the
11 examination. The Department shall adopt rules establishing the
12 standards by which this determination shall be made. Each
13 cosmetology applicant shall be given a written examination
14 testing both theoretical and practical knowledge, which shall
15 include, but not be limited to, questions that determine the
16 applicant's knowledge of product chemistry, sanitary rules,
17 sanitary procedures, chemical service procedures, hazardous
18 chemicals and exposure minimization, knowledge of the anatomy
19 of the skin, scalp, ~~and~~ hair, and nails as they relate to
20 applicable services under this Act and labor and compensation
21 laws.

22 The examination of applicants for licensure as a
23 cosmetology, esthetics, or nail technology teacher may include
24 all of the elements of the exam for licensure as a
25 cosmetologist, esthetician, or nail technician and also
26 include teaching methodology, classroom management, record
27 keeping, and any other related subjects that the Department in
28 its discretion may deem necessary to insure competent
29 performance.

30 This Act does not prohibit the practice of cosmetology by
31 one who has applied in writing to the Department, in form and
32 substance satisfactory to the Department, for a license as a
33 cosmetologist, or the teaching of cosmetology by one who has
34 applied in writing to the Department, in form and substance
35 satisfactory to the Department, for a license as a cosmetology
36 teacher or cosmetology clinic teacher, if the person has

1 complied with all the provisions of this Act in order to
2 qualify for a license, except the passing of an examination to
3 be eligible to receive a license, until: (a) the expiration of
4 6 months after the filing of the written application, (b) the
5 decision of the Department that the applicant has failed to
6 pass an examination within 6 months or failed without an
7 approved excuse to take an examination conducted within 6
8 months by the Department, or (c) the withdrawal of the
9 application.

10 ~~A person who took the September 10, 1994 cosmetology~~
11 ~~licensure examination for the sixth time and failed the~~
12 ~~examination and failed to request a reader based upon a~~
13 ~~documented learning disability may reapply for the examination~~
14 ~~within 6 months of the effective date of this amendatory Act of~~
15 ~~the 91st General Assembly without having to complete the~~
16 ~~additional 1,500 hours of instruction required under this Act.~~

17 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

18 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 3-7. Licensure; renewal; continuing education;
21 military service. The holder of a license issued under this
22 Article III may renew that license during the month preceding
23 the expiration date thereof by paying the required fee, giving
24 such evidence as the Department may prescribe of completing not
25 less than 14 hours of continuing education for a cosmetologist,
26 and 24 hours of continuing education for a cosmetology teacher
27 or cosmetology clinic teacher, within the 2 years prior to
28 renewal. The training shall be in subjects approved by the
29 Department as prescribed by rule upon recommendation of the
30 Committee.

31 A license that has been expired for more than 5 years may
32 be restored by payment of the restoration fee and submitting
33 evidence satisfactory to the Department of the current
34 qualifications and fitness of the licensee, which shall include
35 completion of continuing education hours for the period

1 subsequent to expiration.

2 The Department shall establish by rule a means for the
3 verification of completion of the continuing education
4 required by this Section. This verification may be accomplished
5 through audits of records maintained by registrants, by
6 requiring the filing of continuing education certificates with
7 the Department, or by other means established by the
8 Department. The Department shall ~~may~~ select a qualified
9 organization that has no direct business relationship with a
10 licensee, licensed entity or a subsidiary of a licensed entity
11 under this Act to maintain and verify records relating to
12 continuing education.

13 A license issued under the provisions of this Act that has
14 expired while the holder of the license was engaged (1) in
15 federal service on active duty with the Army of the United
16 States, the United States Navy, the Marine Corps, the Air
17 Force, the Coast Guard, or any Women's Auxiliary thereof, or
18 the State Militia called into the service or training of the
19 United States of America, or (2) in training or education under
20 the supervision of the United States preliminary to induction
21 into the military service, may be reinstated or restored
22 without the payment of any lapsed renewal fees, reinstatement
23 fee, or restoration fee if within 2 years after the termination
24 of such service, training, or education other than by
25 dishonorable discharge, the holder furnishes the Department
26 with an affidavit to the effect that he or she has been so
27 engaged and that his or her service, training, or education has
28 been so terminated.

29 The Department, in its discretion, may waive enforcement of
30 the continuing education requirement in this Section and shall
31 adopt rules defining the standards and criteria for that waiver
32 under the following circumstances:

33 (a) the licensee resides in a locality where it is
34 demonstrated that the absence of opportunities for such
35 education would interfere with the ability of the licensee
36 to provide service to the public;

1 (b) that to comply with the continuing education
2 requirements would cause a substantial financial hardship
3 on the licensee;

4 (c) that the licensee is serving in the United States
5 Armed Forces; or

6 (d) that the licensee is incapacitated due to illness.

7 The continuing education requirements of this Section do
8 not apply to a licensee who ~~(i) is at least 62 years of age~~
9 ~~before January 1, 1999 or (ii) has been licensed as a~~
10 ~~cosmetologist, cosmetology teacher, or cosmetology clinic~~
11 ~~teacher for at least 25 years and does not regularly work as a~~
12 ~~cosmetologist, cosmetology teacher, or cosmetology clinic~~
13 ~~teacher for more than 14 hours per week.~~

14 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
15 90-302, eff. 8-1-97; 90-602, eff. 1-1-99.)

16 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

17 (Section scheduled to be repealed on January 1, 2006)

18 Sec. 3A-1. Esthetics ~~and esthetician~~ defined.

19 (A) Any one or combination of ~~person who for compensation,~~
20 ~~whether direct or indirect, including tips, engages in~~ the
21 following practices, when done for cosmetic or beautifying
22 purposes and not for the treatment of disease or of a muscular
23 or nervous disorder, constitutes ~~engages in~~ the practice of
24 esthetics:

25 1. Beautifying, massaging, cleansing, exfoliating, or
26 stimulating the stratum corneum of the epidermis ~~or~~
27 ~~stimulating the skin of the human body, except the scalp,~~
28 by the use of cosmetic preparations, body treatments, body
29 wraps, ~~the use of hydrotherapy, antiseptics, tonics,~~
30 ~~lotions or creams~~ or any device, electrical, mechanical, or
31 otherwise, for the care of the skin;

32 2. Applying make-up or eyelashes to any person or,
33 ~~tinting eyelashes and eyebrows and~~ lightening hair on the
34 body except the scalp; and

35 3. Removing superfluous hair from the body of any

1 person by the use of depilatories, waxing or tweezers.

2 However, esthetics does not include the services provided
3 by a cosmetologist or electrologist. Estheticians are
4 prohibited from using techniques, products, and practices
5 intended to affect the living layers of the skin ~~performing any~~
6 ~~procedure which may puncture or abrade the skin below the~~
7 ~~stratum corneum of the epidermis or remove closed milia~~
8 ~~(whiteheads) which may draw blood or serous body fluid.~~ The
9 term esthetics includes rendering advice on what is
10 cosmetically appealing, but no person licensed under this Act
11 shall render advice on what is appropriate medical treatment
12 for diseases of the skin.

13 (B) (Blank). ~~"Esthetician" means any person who, with hands~~
14 ~~or mechanical or electrical apparatus or appliances, engages~~
15 ~~only in the use of cosmetic preparations, body treatments, body~~
16 ~~wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,~~
17 ~~creams or other preparations or in the practice of massaging,~~
18 ~~cleansing, exfoliating the stratum corneum of the epidermis,~~
19 ~~stimulating, manipulating, beautifying, grooming or similar~~
20 ~~work on the face, neck, arms and hands or body in a superficial~~
21 ~~mode, and not for the treatment of medical disorders.~~

22 (Source: P.A. 91-863, eff. 7-1-00.)

23 (225 ILCS 410/3A-3) (from Ch. 111, par. 1703A-3)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 3A-3. Licensure as an esthetics teacher;
26 qualifications.

27 (a) A person is qualified to receive a license as an
28 esthetics teacher if that person has applied in writing on
29 forms supplied by the Department, paid the required fees, and:

30 (1) is at least 18 years of age;

31 (2) has graduated from high school or its equivalent;

32 (3) has a current license as a licensed cosmetologist
33 or esthetician;

34 (4) has either: (i) completed a program of 500 hours of
35 teacher training in a licensed school of cosmetology or a

1 licensed esthetics school and had 2 years of practical
2 experience as a licensed cosmetologist or esthetician
3 within 5 years preceding the examination; or (ii) completed
4 a program of 750 hours of teacher training in a licensed
5 school of cosmetology approved by the Department to teach
6 esthetics or a licensed esthetics school;

7 (5) has passed an examination authorized by the
8 Department ~~to determine fitness~~ to receive a license as a
9 licensed cosmetology or esthetics teacher;

10 (6) (blank); and ~~demonstrates, to the satisfaction of~~
11 ~~the Department, current skills in the use of machines used~~
12 ~~in the practice of esthetics; and~~

13 (7) has met any other requirements as required by this
14 Act.

15 (b) A person is qualified to receive a license as an
16 esthetics clinic teacher if that person has applied in writing
17 on forms supplied by the Department, paid the required fees,
18 and:

19 (1) is at least 18 years of age;

20 (2) has graduated from high school or its equivalent;

21 (3) has a current license as a licensed cosmetologist
22 or esthetician;

23 (4) has (i) completed a program of 250 hours of clinic
24 teacher training in a licensed school of cosmetology
25 approved by the Department to teach esthetics or a licensed
26 esthetics school or (ii) within 5 years preceding the
27 examination, has obtained a minimum of ~~and had~~ 2 years of
28 practical experience working at least 30 full-time hours
29 per week as a licensed cosmetologist or esthetician ~~within~~
30 ~~5 years preceding the examination;~~

31 (5) has passed an examination authorized by the
32 Department to determine fitness to receive a license as a
33 licensed cosmetology teacher or licensed esthetics
34 teacher;

35 (6) has completed an instructor's institute of 20
36 hours, as prescribed by the Department, prior to submitting

1 ~~an application for examination demonstrates, to the~~
2 ~~satisfaction of the Department, current skills in the use~~
3 ~~of machines used in the practice of esthetics; and~~

4 (7) has met any other requirements required by this
5 Act.

6 (c) An applicant who is issued a license as an esthetics
7 teacher or esthetics clinic teacher is not required to maintain
8 an esthetics license in order to practice as an esthetician as
9 defined in this Act.

10 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

11 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

12 (Section scheduled to be repealed on January 1, 2006)

13 Sec. 3A-5. Examination.

14 (a) The Department shall authorize examinations of
15 applicants for a license as an esthetician or teacher of
16 esthetics at such times and places as it may determine. The
17 Department shall authorize no fewer than 4 examinations for a
18 license as an esthetician or a teacher of esthetics in a
19 calendar year.

20 If an applicant neglects, fails without an approved excuse,
21 or refuses to take the next available examination offered for
22 licensure under this Act, the fee paid by the applicant shall
23 be forfeited to the Department and the application denied. If
24 an applicant fails to pass an examination for licensure under
25 this Act within 3 years after filing his or her application,
26 the application shall be denied. However, such applicant may
27 thereafter make a new application for examination, accompanied
28 by the required fee, if he or she meets the requirements in
29 effect at the time of reapplication. If an applicant for
30 licensure as an esthetician is unsuccessful at 3 examinations
31 conducted by the Department, the applicant shall, before taking
32 a subsequent examination, furnish evidence of not less than 125
33 hours of additional study of esthetics in an approved school of
34 cosmetology or esthetics since the applicant last took the
35 examination. If an applicant for licensure as an esthetics

1 teacher or esthetics clinic teacher is unsuccessful at 3
2 examinations conducted by the Department, the applicant shall,
3 before taking a subsequent examination, furnish evidence of not
4 less than 80 hours of additional study in teaching methodology
5 and educational psychology in a licensed school of cosmetology
6 or esthetics since the applicant last took the examination. An
7 applicant who fails to pass a fourth examination shall not
8 again be admitted to an examination unless (i) in the case of
9 an applicant for licensure as an esthetician, the applicant
10 shall again take and complete a program of 750 hours in the
11 study of esthetics in a licensed school of cosmetology approved
12 to teach esthetics or a school of esthetics, extending over a
13 period that commences after the applicant fails to pass the
14 fourth examination and that is not less than 18 weeks nor more
15 than 4 consecutive years in duration; (ii) in the case of an
16 applicant for a license as an esthetics teacher, the applicant
17 shall again take and complete a program of 750 hours of teacher
18 training in a school of cosmetology approved to teach esthetics
19 or a school of esthetics, except that if the applicant had 2
20 years of practical experience as a licensed cosmetologist or
21 esthetician within 5 years preceding the initial examination
22 taken by the applicant, the applicant must again take and
23 complete a program of 500 hours of teacher training in licensed
24 cosmetology or a licensed esthetics school; or (iii) in the
25 case of an applicant for a license as an esthetics clinic
26 teacher, the applicant shall again take and complete a program
27 of 250 hours of clinic teacher training in a licensed school of
28 cosmetology or a licensed school of esthetics.

29 (b) Each applicant shall be given a written examination
30 testing both theoretical and practical knowledge which shall
31 include, but not be limited to, questions that determine the
32 applicant's knowledge of:

33 (1) product chemistry;

34 (2) cleanliness and health and safety procedures
35 ~~sanitary rules and regulations;~~

36 (3) equipment, techniques, products, and practices as

1 they relate to applicable services under this Act ~~sanitary~~
2 ~~procedures;~~

3 (4) (blank); ~~chemical service procedures;~~

4 (5) knowledge of the anatomy and physiology of the
5 skin, as it relates to applicable services under this Act;

6 (6) the provisions and requirements of this Act; and

7 (7) labor and compensation laws.

8 (c) The examination of applicants for licensure as an
9 esthetics teacher may include all of the above and may also
10 include:

11 (1) teaching methodology;

12 (2) classroom management; and

13 (3) record keeping and any other subjects that the
14 Department may deem necessary to insure competent
15 performance.

16 (d) This Act does not prohibit the practice of esthetics by
17 one who has applied in writing to the Department, in form and
18 substance satisfactory to the Department, for a license as an
19 esthetician, an esthetics teacher, or an esthetics clinic
20 teacher and has complied with all the provisions of this Act in
21 order to qualify for a license, except the passing of an
22 examination to be eligible to receive such license certificate,
23 until: (i) the expiration of 6 months after the filing of such
24 written application, or (ii) the decision of the Department
25 that the applicant has failed to pass an examination within 6
26 months or failed without an approved excuse to take an
27 examination conducted within 6 months by the Department, or
28 (iii) the withdrawal of the application.

29 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
30 91-863, eff. 7-1-00.)

31 (225 ILCS 410/3B-10)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 3B-10. Requisites for ownership or operation of
34 school. No person, firm, or corporation may own, operate, or
35 conduct a school of cosmetology, esthetics, or nail technology

1 for the purpose of teaching cosmetology, esthetics, or nail
2 technology for compensation without applying on forms provided
3 by the Department, paying the required fees, and complying with
4 the following requirements:

5 1. The applicant must submit to the Department for
6 approval:

7 a. A floor plan, drawn to a scale specified on the
8 floor plan, showing every detail of the proposed
9 school;

10 b. A lease commitment or proof of ownership for the
11 location of the proposed school; a lease commitment
12 must provide for execution of the lease upon the
13 Department's approval of the school's application and
14 the lease must be for a period of at least one year;
15 and

16 c. A written inspection report made by the State
17 Fire Marshal approving the use of the proposed premises
18 as a cosmetology, esthetics, or nail technology
19 school.

20 2. An application to own or operate a school shall
21 include the following:

22 a. If the owner is a corporation, a copy of the
23 Articles of Incorporation;

24 b. If the owner is a partnership, a listing of all
25 partners and their current addresses;

26 c. If the applicant is an owner, a completed
27 financial statement showing the owner's ability to
28 operate the school for at least 3 months;

29 d. A copy of the official enrollment agreement or
30 student contract to be used by the school, which shall
31 be consistent with the requirements of this Act;

32 e. A listing of all teachers who will be in the
33 school's employ, including their teacher license
34 numbers;

35 f. A copy of the curricula that will be followed;

36 g. The names, addresses, and current status of all

1 schools in which the applicant has previously owned any
2 interest, and a declaration as to whether any of these
3 schools were ever denied accreditation or licensing or
4 lost accreditation or licensing from any governmental
5 body or accrediting agency;

6 h. Each application for a certificate of approval
7 shall be signed and certified under oath by the
8 school's chief managing employee and also by its
9 individual owner or owners; if the applicant is a
10 partnership or a corporation, then the application
11 shall be signed and certified under oath by the
12 school's chief managing employee and also by each
13 member of the partnership or each officer of the
14 corporation, as the case may be;

15 i. A copy of the school's official transcript; ~~and~~

16 j. The required fee; ~~and-~~

17 k. A copy of the school's official policies and
18 procedures, including the school's written internal
19 complaint procedure.

20 3. Each application for a license to operate a school
21 shall also contain the following commitments:

22 a. To conduct the school in accordance with this
23 Act and the standards, and rules from time to time
24 adopted under this Act and to meet standards and
25 requirements at least as stringent as those required by
26 Part H of the Federal Higher Education Act of 1965.

27 b. To permit the Department to inspect the school
28 or classes thereof from time to time with or without
29 notice; and to make available to the Department, at any
30 time when required to do so, information including
31 financial information pertaining to the activities of
32 the school required for the administration of this Act
33 and the standards and rules adopted under this Act;

34 c. To utilize only advertising and solicitation
35 which is free from misrepresentation, deception,
36 fraud, or other misleading or unfair trade practices;

1 d. To screen applicants to the school prior to
2 enrollment pursuant to the requirements of the
3 school's regional or national accrediting agency, if
4 any, and to maintain any and all records of such
5 screening. If the course of instruction is offered in a
6 language other than English, the screening shall also
7 be performed in that language;

8 e. To post in a conspicuous place a statement,
9 developed by the Department, of student's rights
10 provided under this Act.

11 4. The applicant shall establish to the satisfaction of
12 the Department that the owner possesses sufficient liquid
13 assets to meet the prospective expenses of the school for a
14 period of 3 months. In the discretion of the Department,
15 additional proof of financial ability may be required.

16 5. The applicant shall comply with all rules of the
17 Department determining the necessary curriculum and
18 equipment required for the conduct of the school.

19 6. The applicant must demonstrate employment of a
20 sufficient number of qualified teachers who are holders of
21 a current license issued by the Department.

22 7. An ~~A final~~ inspection of the cosmetology school
23 shall be made by the Department ~~before the school may~~
24 ~~commence classes.~~

25 8. A written inspection report must be made by a local
26 fire authority approving the use of the proposed premises
27 as a cosmetology, esthetics, or nail technology school.

28 (Source: P.A. 89-387, eff. 1-1-96.)

29 (225 ILCS 410/3B-11)

30 (Section scheduled to be repealed on January 1, 2006)

31 Sec. 3B-11. Periodic review of cosmetology, esthetics and
32 nail technology schools. The Department shall review at least
33 biennially all approved schools and courses of instruction. The
34 biennial review shall include consideration of a comparison
35 between the graduation or completion rate for the school and

1 the graduation or completion rate for the schools within that
2 classification of schools. Consideration shall be given to
3 complaints and information forwarded to the Department by the
4 Federal Trade Commission, Better Business Bureaus, the
5 Illinois Attorney General's Office, a State's Attorney's
6 Office, other State or official approval agencies, local school
7 officials, and interested persons, provided that the
8 complainant has complied with the school's written internal
9 complaint procedure before the Department is contacted. The
10 Department shall investigate all written complaints filed with
11 the Department about a school or its sales representatives.

12 A school shall retain student ~~the~~ records, ~~as defined by~~
13 ~~rule, of a student who withdraws from or drops out of the~~
14 ~~school, by written notice of cancellation or otherwise,~~ for any
15 period longer than 7 years from the student's first day of
16 attendance. However, a school shall retain indefinitely the
17 transcript of each student who completes the program and
18 graduates from the school.

19 (Source: P.A. 89-387, eff. 1-1-96; 89-626, eff. 8-9-96.)

20 (225 ILCS 410/3B-13)

21 (Section scheduled to be repealed on January 1, 2006)

22 Sec. 3B-13. Rules; refunds. Schools regulated under this
23 Section shall issue refunds based on the following schedule.
24 The refund policy shall provide that:

25 (1) Schools shall, when a student gives written notice of
26 cancellation, provide a refund in the amount of at least the
27 following:

28 (a) When notice of cancellation is given within 5 days
29 after the date of enrollment, all application and
30 registration fees, tuition, and any other charges shall be
31 refunded to the student.

32 (b) When notice of cancellation is given after the
33 fifth day following enrollment but before the completion of
34 the student's first day of class attendance, the school may
35 retain no more than the application and registration fee,

1 plus the cost of any books or materials which have been
2 provided by the school and retained by the student.

3 (c) When notice of cancellation is given after the
4 student's completion of the first day of class attendance
5 but prior to the student's completion of 5% of the course
6 of instruction, the school may retain the application and
7 registration fee and an amount not to exceed 10% of the
8 tuition and other instructional charges or \$300, whichever
9 is less, plus the cost of any books or materials which have
10 been provided by the school.

11 (d) When a student has completed 5% or more of the
12 course of instruction, the school may retain the
13 application and registration fee and the cost of any books
14 or materials which have been provided by the school but
15 shall refund a part of the tuition and other instructional
16 charges in accordance with the National Accrediting
17 Commission of Cosmetology Arts and Sciences and rules that
18 the Department shall promulgate for purposes of this
19 Section.

20 (2) Applicants not accepted by the school shall receive a
21 refund of all tuition and fees paid.

22 (3) Application and registration fees shall be chargeable
23 at initial enrollment and shall not exceed \$100.

24 (4) Deposits or down payments shall become part of the
25 tuition.

26 (5) If the school terminates a student's enrollment, the
27 ~~The~~ school shall mail a written acknowledgement of the a
28 student's termination ~~cancellation or written withdrawal~~ to
29 the student within 15 calendar days ~~of the date of~~
30 ~~notification~~. Written acknowledgement is not necessary if a
31 refund has been mailed to the student within the 15 calendar
32 days.

33 (6) If the school cancels or discontinues a course, the
34 student shall be entitled to receive from the school such
35 refund or partial refund of the tuition, fees, and other
36 charges paid by the student or on behalf of the student as is

1 provided under rules promulgated by the Department.

2 (7) Except as otherwise provided by this Act, all student
3 refunds shall be made by the school within 30 calendar days
4 from the date of notice of the student's cancellation.

5 (8) A student shall give notice of cancellation to the
6 school in writing. The unexplained absence of a student from a
7 school for more than 30 ~~15~~ consecutive calendar days shall
8 constitute constructive notice of cancellation to the school.
9 For purposes of cancellation, the cancellation date shall be
10 the last day of attendance.

11 (9) A school may make refunds which exceed those required
12 by this Section.

13 (10) Each student and former student shall be entitled to
14 receive from the school that the student attends or attended an
15 official transcript of all hours completed by the student at
16 that school for which the applicable tuition, fees, and other
17 charges have been paid, together with the grades earned by the
18 student for those hours, provided that a student who withdraws
19 from or drops out of a school, by written notice of
20 cancellation or otherwise, shall not be entitled to any
21 transcript of completed hours following the expiration of the
22 7-year period that began on the student's first day of
23 attendance at the school. A reasonable fee, not exceeding \$2,
24 may be charged by the school for each transcript after the
25 first free transcript that the school is required to provide to
26 a student or former student under this Section.

27 (Source: P.A. 89-387, eff. 1-1-96.)

28 (225 ILCS 410/3B-15)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 3B-15. Grounds for disciplinary action. In addition to
31 any other cause herein set forth the Department may refuse to
32 issue or renew and may suspend, place on probation, or revoke
33 any license to operate a school, or take any other action that
34 the Department may deem proper, including the imposition of
35 civil penalties not to exceed \$1,000 for each violation, for

1 any one or any combination of the following causes:

2 (1) Repeated violation of any provision of this Act or any
3 standard or rule established under this Act.

4 (2) Knowingly furnishing false, misleading, or incomplete
5 information to the Department or failure to furnish information
6 requested by the Department.

7 (3) Violation of any commitment made in an application for
8 a license, including failure to maintain standards that are the
9 same as, or substantially equivalent to, those represented in
10 the school's applications and advertising.

11 (4) Presenting to prospective students information
12 relating to the school, or to employment opportunities or
13 opportunities for enrollment in institutions of higher
14 learning after entering into or completing courses offered by
15 the school, that is false, misleading, or fraudulent.

16 (5) Failure to provide premises or equipment or to maintain
17 them in a safe and sanitary condition as required by law.

18 (6) Failure to maintain financial resources adequate for
19 the satisfactory conduct of the courses of instruction offered
20 or to retain a sufficient and qualified instructional and
21 administrative staff.

22 (7) Refusal to admit applicants on account of race, color,
23 creed, sex, physical or mental handicap unrelated to ability,
24 religion, or national origin.

25 (8) Paying a commission or valuable consideration to any
26 person for acts or services performed in violation of this Act.

27 (9) Attempting to confer a fraudulent degree, diploma, or
28 certificate upon a student.

29 (10) Failure to correct any deficiency or act of
30 noncompliance under this Act or the standards and rules
31 established under this Act within reasonable time limits set by
32 the Department.

33 (11) (Blank). ~~Conduct of business or instructional~~
34 ~~services other than at locations approved by the Department.~~

35 (12) Failure to make all of the disclosures or making
36 inaccurate disclosures to the Department or in the enrollment

1 agreement as required under this Act.

2 (13) Failure to make appropriate refunds as required by
3 this Act.

4 (14) Denial, loss, or withdrawal of accreditation by any
5 accrediting agency.

6 (15) During any 24-month period ~~calendar year~~, having a
7 failure rate of 25% or greater for those of its students who
8 for the first time take the examination authorized by the
9 Department to determine fitness to receive a license as a
10 cosmetologist, cosmetology teacher, esthetician, esthetician
11 teacher, nail technician, or nail technology teacher, provided
12 that a student who transfers into the school having completed
13 50% of the required program ~~with 750 or more hours for~~
14 ~~cosmetologists, 375 or more hours for estheticians, 175 or more~~
15 ~~hours for nail technician, 500 or more hours for teachers or~~
16 ~~125 or more hours for clinic teachers~~ and who takes the
17 examination during that calendar year shall not be counted for
18 purposes of determining the school's failure rate on an
19 examination, without regard to whether that transfer student
20 passes or fails the examination.

21 (16) Failure to maintain a written record indicating the
22 funds received per student and funds paid out per student. Such
23 records shall be maintained for a minimum of 7 years and shall
24 be made available to the Department upon request. Such records
25 shall identify the funding source and amount for any student
26 who has enrolled as well as any other item set forth by rule.

27 (17) Failure to maintain a copy of the student record as
28 defined by rule.

29 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

30 (225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 3C-1. Definitions. "Nail technician" means any person
33 who for compensation manicures, pedicures, or decorates nails,
34 applies ~~sculptured or otherwise~~ artificial applications ~~nails~~
35 by hand or with mechanical or electrical apparatus or

1 appliances, or in any way beautifies ~~cares for~~ the nails or the
2 skin of the hands or feet including massaging the hands, arms,
3 elbows, feet, lower legs, and knees of another person for other
4 than the treatment of medical disorders.

5 However, nail technicians are prohibited from using
6 techniques, products, and practices intended to affect the
7 living layers of the skin ~~performing any procedure that may~~
8 ~~puncture the skin or which may draw blood or serous body fluid.~~
9 The term nail technician includes rendering advice on what is
10 cosmetically appealing, but no person licensed under this Act
11 shall render advice on what is appropriate medical treatment
12 for diseases of the nails or skin.

13 "Nail technician teacher" means an individual licensed by
14 the Department to provide instruction in the theory and
15 practice of nail technology to students in an approved nail
16 technology school.

17 "Licensed nail technology clinic teacher" means an
18 individual licensed by the Department to practice nail
19 technology as defined in this Act and to provide clinical
20 instruction in the practice of nail technology in an approved
21 school of cosmetology or an approved school of nail technology.

22 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

23 (225 ILCS 410/3C-2) (from Ch. 111, par. 1703C-2)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 3C-2. License; qualifications. A person is qualified
26 to receive a license as a nail technician if that person
27 applies in writing on forms provided by the Department, pays
28 the required fee, and:

29 (a) Is at least 16 years of age;

30 (b) Is beyond the age of compulsory school attendance
31 or has a certificate of graduation from a school providing
32 secondary education ~~Has graduated from an eighth grade~~
33 ~~elementary school~~ or the recognized ~~its~~ equivalent of that
34 certificate;

35 (c) Has graduated from a school of cosmetology or

1 school of nail technology approved by the Department,
2 having completed a program ~~curriculum~~ of 350 hours in the
3 study of nail technology extending over a period of not
4 less than 8 weeks nor more than 2 consecutive years ~~and~~
5 ~~including the following: (1) theory, (2) manicuring and~~
6 ~~pedicuring, (3) nail treatments, (4) sanitary rules and~~
7 ~~sterilization, and (5) related electives; and~~

8 (d) Has passed an examination authorized by the
9 Department to determine fitness to receive a license as a
10 nail technician; and

11 (e) Has met any other requirements of this Act.

12 Time spent in the study of nail technology under the laws
13 of another state or territory of the United States, or of a
14 foreign country or province, shall be credited toward the
15 period of study required by the provisions of subsection (c).

16 (Source: P.A. 89-387, eff. 1-1-96.)

17 (225 ILCS 410/3C-3) (from Ch. 111, par. 1703C-3)

18 (Section scheduled to be repealed on January 1, 2006)

19 Sec. 3C-3. Licensure as a nail technology teacher or nail
20 technology clinic teacher; qualifications.

21 (a) A person is qualified to receive a license as a nail
22 technology teacher if that person has filed an application on
23 forms provided by the Department, paid the required fee, and:

24 (1) is at least 18 years of age;

25 (2) has graduated from high school or its equivalent;

26 (3) has a current license as a cosmetologist or nail
27 technician;

28 (4) has either: (1) completed a program of 500 hours of
29 teacher training in a licensed school of nail technology or
30 cosmetology, and had 2 years of practical experience as a
31 nail technician; or (2) has completed a program of 625
32 hours of teacher training in a licensed school of
33 cosmetology approved to teach nail technology or school of
34 nail technology; and

35 (5) who has passed an examination authorized by the

1 Department to determine fitness to receive a license as a
2 cosmetology or nail technology teacher.

3 (b) A person is qualified to receive a license as a nail
4 technology clinic teacher if that person has applied in writing
5 on forms supplied by the Department, paid the required fees,
6 and:

7 (1) is at least 18 years of age;

8 (2) has graduated from high school or its equivalent;

9 (3) has a current license as a licensed cosmetologist
10 or nail technician;

11 (4) has (i) completed a program of 250 hours of clinic
12 teacher training in a licensed school of cosmetology or a
13 licensed nail technology school or (ii) within 5 years
14 preceding the examination, has obtained a minimum of ~~and~~
15 ~~had~~ 2 years of practical experience working at least 30
16 full-time hours per week as a licensed cosmetologist or
17 nail technician ~~within 5 years preceding the examination;~~

18 (5) has passed an examination authorized by the
19 Department to determine fitness to receive a license as a
20 licensed cosmetology teacher or licensed nail technology
21 teacher;

22 (6) demonstrates, to the satisfaction of the
23 Department, current skills in the use of machines used in
24 the practice of nail technology; ~~and~~

25 (7) has completed an instructor's institute of 20
26 hours, as prescribed by the Department, prior to submitting
27 an application for examination; and ~~has met any other~~
28 ~~requirements required by this Act.~~

29 (8) has met any other requirements required by this
30 Act.

31 (c) An applicant who receives a license as a nail
32 technology teacher or nail technology clinic teacher shall not
33 be required to maintain a license as a nail technician.

34 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 3D-5. Requisites for ownership or operation of
3 cosmetology, esthetics, and nail technology salons and barber
4 shops.

5 (a) No person, firm, partnership, limited liability
6 company, or corporation shall own or operate a cosmetology,
7 esthetics, or nail technology salon or barber shop or employ
8 any licensee under this Act without first applying on forms
9 provided by the Department for a certificate of registration.

10 (b) The application for a certificate of registration under
11 this Section shall set forth the name, address, and telephone
12 number of the proposed cosmetology, esthetics, or nail
13 technology salon or barber shop; the name, address, and
14 telephone number of the person, firm, partnership, or
15 corporation that is to own or operate the salon or shop; and,
16 if the salon or shop is to be owned or operated by an entity
17 other than an individual, the name, address, and telephone
18 number of the managing partner or the chief executive officer
19 of the corporation or other entity that owns or operates the
20 salon or shop.

21 (c) The Department shall be notified by the owner or
22 operator of a salon or shop that is moved to a new location. If
23 there is a change in the ownership or operation of a salon or
24 shop, the new owner or operator shall report that change to the
25 Department along with completion of any additional
26 requirements set forth by rule.

27 (d) If a person, firm, partnership, limited liability
28 company, or corporation owns or operates more than one shop or
29 salon, a separate certificate of registration must be obtained
30 for each salon or shop.

31 (e) A certificate of registration granted under this
32 Section may be revoked in accordance with the provisions of
33 Article IV and the holder of the certificate may be otherwise
34 disciplined by the Department in accordance with rules adopted
35 under this Act.

36 (f) The Department may promulgate rules to establish

1 additional requirements for owning or operating a salon or
2 shop.

3 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

4 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 4-1. Duties ~~Powers and duties~~ of Department. The
7 Department shall exercise, subject to the provisions of this
8 Act, the following functions, ~~powers~~ and duties:

9 (1) To cause to be conducted examinations to ascertain the
10 qualifications and fitness of applicants for licensure as
11 cosmetologists, estheticians, nail technicians, or barbers and
12 as cosmetology, esthetics, nail technology, or barbering
13 teachers.

14 (2) To determine the ~~establish~~ qualifications for
15 licensure as a cosmetologist, esthetician, nail technician, or
16 barber or cosmetology, esthetics, nail technology, or barber
17 teacher or cosmetology, esthetics, or nail technology clinic
18 teachers for persons currently licensed as cosmetologists,
19 estheticians, nail technicians, or barbers or cosmetology,
20 esthetics, nail technology, or barber teachers or cosmetology,
21 esthetics, or nail technology clinic teachers by endorsement.
22 ~~outside the State of Illinois or the continental U.S.~~

23 (3) To prescribe rules for:

24 (i) The method of examination of candidates for
25 licensure as a cosmetologist, esthetician, nail
26 technician, or barber or cosmetology, esthetics, nail
27 technology, or barbering teacher.

28 (ii) Minimum standards as to what constitutes an
29 approved school of cosmetology, esthetics, nail
30 technology, or barbering.

31 (iii) Minimum standards as to what constitutes a
32 cosmetology, esthetics, or nail technology salon or barber
33 shop.

34 (4) To conduct investigations or hearings on proceedings to
35 determine disciplinary action.

1 (5) To prescribe reasonable rules governing the sanitary
2 regulation and inspection of cosmetology, esthetics, nail
3 technology, or barbering schools.

4 (6) To prescribe, subject to and consistent with the
5 provisions of Section 4-1.5, reasonable rules for the method of
6 renewal for each license as a cosmetologist, esthetician, nail
7 technician, or barber or cosmetology, esthetics, nail
8 technology, or barbering teacher or cosmetology, esthetics, or
9 nail technology clinic teacher.

10 (7) To prescribe reasonable rules for the method of
11 registration, the issuance, fees, renewal and discipline of a
12 certificate of registration for the ownership or operation of
13 cosmetology, esthetics, and nail technology salons and barber
14 shops.

15 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

16 (225 ILCS 410/4-1.5)

17 (Section scheduled to be repealed on January 1, 2006)

18 Sec. 4-1.5. Continuing education.

19 (a) As used in this Article, "sponsor" shall include
20 accredited universities and colleges, industry or trade
21 associations, corporate salons, franchise salons, independent
22 salons, vocational and technical schools, cosmetology schools,
23 and other entities approved by the Department. Sponsors shall
24 keep records of all courses and attendance and shall certify to
25 the Department the successful completion of those courses by
26 applicants. Sponsors may delegate record-keeping duties to one
27 of their members or member groups. The Department shall
28 establish qualifications for the testing or active
29 participation by individuals taking courses and procedures for
30 evaluation of course content.

31 (b) A potential sponsor shall submit to the Department on
32 forms provided by the Department an application to sponsor
33 continuing education programs.

34 (c) The application submitted to the Department under
35 subsection (b) shall be accompanied by an initial application

1 fee of \$750 ~~\$500~~. An application by a sponsor to renew its
2 ability to sponsor continuing education programs in a
3 subsequent 2 year license cycle shall be submitted to the
4 Department on forms provided by the Department and accompanied
5 by a renewal fee of \$500 ~~\$250~~, provided the sponsor does not
6 allow its license to lapse. If a sponsor allows its license to
7 lapse, the application fee for the remainder of a 2-year cycle
8 shall be \$750 ~~\$500~~. Both the initial application fee and the
9 renewal fee shall cover all locations owned or operated by that
10 sponsor in the State. All fees collected under this subsection
11 shall be deposited into the General Professions Dedicated Fund.
12 In addition, the applicant must provide a ~~sample~~ detailed
13 outline of each one 3-hour program for the Committee's approval
14 ~~consideration~~. The approval ~~sample~~ shall cover all locations at
15 which the program is offered. The Department shall adopt rules
16 and establish fees for the administration of the program
17 approval process ~~owned or operated by that sponsor in the~~
18 ~~State.~~

19 State agencies and State universities and colleges are
20 exempt from the fee requirements of this Act.

21 (d) Each application to sponsor a continuing education
22 program shall include a sample copy of the certificate of
23 attendance that the sponsor will furnish to each person who
24 completes the continuing education program.

25 (e) A continuing education program must comply with the
26 following requirements:

27 (1) Persons who are presenters at a continuing
28 education program must be qualified by education, work
29 experience, or licensure to make their presentations.

30 (2) No product sales shall be permitted during a
31 continuing education program. After the continuing
32 education program is concluded and the certificates of
33 attendance are distributed to the attendees, product sales
34 shall be permitted.

35 (f) The Department may approve correspondence and home
36 study courses as part of the continuing education program. A

1 correspondence or home study course shall be accepted for
2 credit if it has been approved or reviewed in a state that has
3 a continuing education approval or review process. The
4 correspondence or home study course shall not be approved
5 unless at least one examination is taken and passed as part of
6 the course. A test shall not be considered passed unless the
7 participant receives a grade of at least 75%.

8 (g) A licensee may receive continuing education hours
9 offered outside of Illinois if he or she meets the following
10 conditions:

11 (1) The licensee must obtain an attendance form from
12 the Department or an Illinois-approved continuing
13 education sponsor. The completed form must include the date
14 continuing education was received, the number of hours
15 awarded, the name, address, and telephone number of the
16 location where continuing education was received, and the
17 signature of the trainer. The Department shall include on
18 this form the Department definition of a continuing
19 education hour under this Act.

20 (2) The licensee must provide additional proof of
21 attendance as the Department shall establish by rule.

22 (h) Each sponsor of continuing education is subject to
23 periodic review and evaluation by the Department and Committee
24 and sponsorship may be withdrawn by the Department if it is
25 determined that the sponsor is failing to maintain and adhere
26 to the standards applicable to sponsors under this Act or if
27 the Department determines that the program implemented fails to
28 comply with criteria or standards that are applicable to
29 continuing education programs under this Article and the rules
30 adopted under this Act.

31 (i) Each sponsor of a continuing education program offered
32 under this Section shall furnish to each person who completes
33 the program a continuing education certificate of attendance
34 showing the name of the licensee in attendance, the title of
35 the continuing education program, the date the program began
36 and ended, the number of hours of continuing education credit

1 received by the licensee, and the category of certificate
2 renewal to which the continuing education credits apply. A
3 certificate issued under this subsection shall constitute
4 evidence for all purposes of this Act that the person named in
5 the certificate met all requirements of and completed the
6 continuing education program shown in the certificate.

7 (j) An approved sponsor may subcontract with individuals
8 and organizations to provide approved programs. These persons
9 must meet the criteria established in Section 4-1.5(e)(1) and
10 (2).

11 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

12 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

13 (Section scheduled to be repealed on January 1, 2006)

14 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
15 Technology Board Committee. There is established within the
16 Department the Barber, Cosmetology, Esthetics, and Nail
17 Technology Board Committee, composed of 11 persons, which shall
18 serve in an advisory capacity to designated from time to time
19 by the Director to advise the Director in all matters related
20 to the practice of barbering, cosmetology, esthetics, and nail
21 technology.

22 The 11 members of the Board Committee shall be appointed as
23 follows: 6 licensed cosmetologists, all of whom hold a current
24 license as a cosmetologist or cosmetology teacher and, for
25 appointments made after the effective date of this amendatory
26 Act of 1996, at least 2 of whom shall be an owner of or a major
27 stockholder in a school of cosmetology, one of whom shall be a
28 representative of a franchiser with 5 or more locations within
29 the State, one of whom shall be a representative of an owner
30 operating salons in 5 or more locations within the State, one
31 of whom shall be an independent salon owner, and no one of the
32 cosmetologist members shall be a manufacturer, jobber, or
33 stockholder in a factory of cosmetology articles or an
34 immediate family member of any of the above; 2 of whom shall be
35 barbers holding a current license; one member who shall be a

1 licensed esthetician or esthetics teacher; one member who shall
2 be a licensed nail technician or nail technology teacher; and
3 one public member who holds no licenses issued by the
4 Department. The Director shall give due consideration for
5 membership to recommendations by members of the professions and
6 by their professional organizations. Members shall serve 4 year
7 terms and until their successors are appointed and qualified.
8 No member shall be reappointed to the Board ~~Committee~~ for more
9 than 2 terms. Appointments to fill vacancies shall be made in
10 the same manner as original appointments for the unexpired
11 portion of the vacated term. Members of the Board ~~Committee~~ in
12 office on the effective date of this amendatory Act of 1996
13 shall continue to serve for the duration of the terms to which
14 they have been appointed, but beginning on that effective date
15 all appointments of licensed cosmetologists and barbers to
16 serve as members of the Board ~~Committee~~ shall be made in a
17 manner that will effect at the earliest possible date the
18 changes made by this amendatory Act of 1996 in the
19 representative composition of the Board ~~Committee~~.

20 A majority of Board ~~Committee~~ members then appointed
21 constitutes a quorum. A majority of the quorum is required for
22 a Board ~~Committee~~ decision.

23 Whenever the Director is satisfied that substantial
24 justice has not been done in an examination, the Director may
25 order a reexamination by the same or other examiners.

26 (Source: P.A. 93-253, eff. 7-22-03.)

27 (225 ILCS 410/3C-4 rep.)

28 (225 ILCS 410/3C-5 rep.)

29 Section 10. The Barber, Cosmetology, Esthetics, and Nail
30 Technology Act of 1985 is amended by repealing Sections 3C-4
31 and 3C-5.

1		INDEX
2		Statutes amended in order of appearance
3	225 ILCS 410/1-4	from Ch. 111, par. 1701-4
4	225 ILCS 410/1-7	from Ch. 111, par. 1701-7
5	225 ILCS 410/2-1	from Ch. 111, par. 1702-1
6	225 ILCS 410/2-4b new	
7	225 ILCS 410/2-7	from Ch. 111, par. 1702-7
8	225 ILCS 410/2A-7	
9	225 ILCS 410/3-1	from Ch. 111, par. 1703-1
10	225 ILCS 410/3-2	from Ch. 111, par. 1703-2
11	225 ILCS 410/3-4	from Ch. 111, par. 1703-4
12	225 ILCS 410/3-6	from Ch. 111, par. 1703-6
13	225 ILCS 410/3-7	from Ch. 111, par. 1703-7
14	225 ILCS 410/3A-1	from Ch. 111, par. 1703A-1
15	225 ILCS 410/3A-3	from Ch. 111, par. 1703A-3
16	225 ILCS 410/3A-5	from Ch. 111, par. 1703A-5
17	225 ILCS 410/3B-10	
18	225 ILCS 410/3B-11	
19	225 ILCS 410/3B-13	
20	225 ILCS 410/3B-15	
21	225 ILCS 410/3C-1	from Ch. 111, par. 1703C-1
22	225 ILCS 410/3C-2	from Ch. 111, par. 1703C-2
23	225 ILCS 410/3C-3	from Ch. 111, par. 1703C-3
24	225 ILCS 410/3D-5	
25	225 ILCS 410/4-1	from Ch. 111, par. 1704-1
26	225 ILCS 410/4-1.5	
27	225 ILCS 410/4-2	from Ch. 111, par. 1704-2
28	225 ILCS 410/3C-4 rep.	
29	225 ILCS 410/3C-5 rep.	