

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 Regulatory Sunset Act is amended by changing
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 ~~The Barber, Cosmetology, Esthetics, and Nail Technology~~
15 ~~Act of 1985.~~

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following
24 Act is repealed on January 1, 2016:

25 The Barber, Cosmetology, Esthetics, and Nail Technology
26 Act of 1985.

27 Section 10. The Barber, Cosmetology, Esthetics, and Nail
28 Technology Act of 1985 is amended by changing Sections 1-4,
29 1-7, 2-1, 2-7, 2A-7, 3-1, 3-2, 3-4, 3-6, 3-7, 3A-1, 3A-3, 3A-5,
30 3B-10, 3B-11, 3B-13, 3B-15, 3C-1, 3C-2, 3C-3, 3C-9, 3D-5, 4-1,

1 and 4-2 as follows:

2 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

3 (Section scheduled to be repealed on January 1, 2006)

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

6 "Board" means the Barber, Cosmetology, Esthetics, and Nail
7 Technology Board.

8 "Department" means the Department of Professional
9 Regulation.

10 "Director" means the Director of Professional Regulation.

11 ~~"Committee" means the Barber, Cosmetology, Esthetics, and~~
12 ~~Nail Technology Committee.~~

13 "Licensed barber" means an individual licensed by the
14 Department to practice barbering ~~and esthetics~~ as defined in
15 this Act and whose license is in good standing.

16 "Licensed cosmetologist" means an individual licensed by
17 the Department to practice cosmetology, nail technology, and
18 esthetics as defined in this Act and whose license is in good
19 standing.

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

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

26 "Licensed barber teacher" means an individual licensed by
27 the Department to practice barbering ~~and esthetics~~ as defined
28 in this Act and to provide instruction in the theory and
29 practice of barbering ~~and esthetics~~ to students in an approved
30 barber school ~~or esthetics school~~.

31 "Licensed cosmetology teacher" means an individual
32 licensed by the Department to practice cosmetology, esthetics,
33 and nail technology as defined in this Act and to provide
34 instruction in the theory and practice of cosmetology,
35 esthetics, and nail technology to students in an approved

1 cosmetology, esthetics, or nail technology school.

2 "Licensed cosmetology clinic teacher" means an individual
3 licensed by the Department to practice cosmetology, esthetics,
4 and nail technology as defined in this Act and to provide
5 clinical instruction in the practice of cosmetology,
6 esthetics, and nail technology in an approved school of
7 cosmetology, esthetics, or nail technology.

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

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

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

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

28 "Enrollment" is the date upon which the student signs an
29 enrollment agreement or student contract.

30 "Enrollment agreement" or "student contract" is any
31 agreement, instrument, or contract however named, which
32 creates or evidences an obligation binding a student to
33 purchase a course of instruction from a school.

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

1 "Elapsed enrollment time" means the enrollment time
2 elapsed between the actual starting date and the date of the
3 student's last day of physical attendance in the school.

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

5 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

8 (a) It is unlawful for any person to practice, or to hold
9 himself or herself out to be a cosmetologist, esthetician, nail
10 technician, or barber without a license as a cosmetologist,
11 esthetician, nail technician, or barber issued by the
12 Department of Professional Regulation pursuant to the
13 provisions of this Act and of the Civil Administrative Code of
14 Illinois. It is also unlawful for any person, firm,
15 partnership, or corporation to own, operate, or conduct a
16 cosmetology, esthetics, nail technology, or barber school
17 without a license issued by the Department or to own or operate
18 a cosmetology, esthetics, or nail technology salon or barber
19 shop without a certificate of registration issued by the
20 Department. It is further unlawful for any person to teach in
21 any cosmetology, esthetics, nail technology, or barber college
22 or school approved by the Department or hold himself or herself
23 out as a cosmetology, esthetics, nail technology, or barber
24 teacher without a license as a teacher, issued by the
25 Department or as a cosmetology, esthetics, or nail technology
26 clinic teacher without a license as a clinic teacher issued by
27 the Department.

28 (b) Notwithstanding any other provision of this Act, a
29 person licensed as a cosmetologist ~~or barber~~ may hold himself
30 or herself out as an esthetician and may engage in the practice
31 of esthetics, as defined in this Act, without being licensed as
32 an esthetician. A person licensed as a cosmetology teacher ~~or~~
33 ~~barber teacher~~ may teach esthetics or hold himself or herself
34 out as an esthetics teacher without being licensed as an
35 esthetics teacher. A person licensed as a cosmetologist may

1 hold himself or herself out as a nail technician and may engage
2 in the practice of nail technology, as defined in this Act,
3 without being licensed as a nail technician. A person licensed
4 as a cosmetology teacher may teach nail technology and hold
5 himself or herself out as a nail technology teacher without
6 being licensed as a nail technology teacher.

7 (c) A person licensed as a barber teacher may hold himself
8 or herself out as a barber and may practice barbering without a
9 license as a barber. A person licensed as a cosmetology teacher
10 may hold himself or herself out as a cosmetologist,
11 esthetician, and nail technologist and may practice
12 cosmetology, esthetics, and nail technology without a license
13 as a cosmetologist, esthetician, or nail technologist. A person
14 licensed as an esthetics teacher may hold himself or herself
15 out as an esthetician without being licensed as an esthetician
16 and may practice esthetics. A person licensed as a nail
17 technician teacher may practice nail technology and may hold
18 himself or herself out as a nail technologist without being
19 licensed as a nail technologist.

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

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

24 (225 ILCS 410/2-1) (from Ch. 111, par. 1702-1)

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

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

28 To shave or trim the beard or cut the hair; to style,
29 arrange, dress, curl, wave, straighten, clean, singe, epilate,
30 depilate, shampoo, marcel, chemically restructure, bleach,
31 tint, color or similarly work upon the hair or cranial
32 prosthesis of any person; to give relaxing facial or scalp
33 massage or treatments with oils, creams or other preparations
34 either by hand or by mechanical appliances. Nothing in this Act
35 shall be construed to prohibit the shampooing of hair by

1 persons employed for that purpose and who perform such task
2 under the direct supervision of a licensed barber.

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

4 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

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

6 Sec. 2-7. Examination of applicants. The Department shall
7 hold examinations of applicants for licensure as barbers and
8 teachers of barbering at such times and places as it may
9 determine. Upon request, the examinations shall be
10 administered in Spanish.

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

19 The examination of applicants for licensure ~~registration~~
20 as a barber teacher shall include: (a) practice of barbering
21 and styling, (b) theory of barbering, (c) methods of teaching,
22 and (d) school management.

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

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

1 (225 ILCS 410/2A-7)

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

3 Sec. 2A-7. Requirements for licensure as barber school. No
4 ~~A~~ person, firm, or corporation may ~~not~~ own, operate or conduct
5 a school or college of barbering for the purpose of teaching
6 barbering for compensation without filing an application with
7 the Department on forms provided by the Department, paying the
8 required fees, and complying with the following requirements:

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

11 a. A floor plan, drawn to a scale specified on the
12 floor plan, showing every detail of the proposed
13 school; and

14 b. A lease commitment or proof of ownership for the
15 location of the proposed school; a lease commitment
16 must provide for execution of the lease upon the
17 Department's approval of the school's application and
18 the lease must be for a period of at least one year. ~~†~~
19 ~~and~~

20 c. (Blank). ~~A written inspection report made by the~~
21 ~~State Fire Marshal approving the use of the proposed~~
22 ~~premises as a barbering school.~~

23 2. An application to own or operate a school shall
24 include the following:

25 a. If the owner is a corporation, a copy of the
26 Articles of Incorporation;

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

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

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

35 e. A listing of all teachers who will be in the

1 school's employ, including their teacher license
2 numbers;

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

4 g. The names, addresses, and current status of all
5 schools in which the applicant has previously owned any
6 interest, and a declaration as to whether any of these
7 schools were ever denied accreditation or licensing or
8 lost accreditation or licensing from any governmental
9 body or accrediting agency;

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

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

20 j. The required fee. ~~The applicant must submit a~~
21 ~~certified financial statement prepared by a licensed~~
22 ~~public accountant who is not an employee of the school,~~
23 ~~indicating sufficient finances to guarantee operation~~
24 ~~for one full year.~~

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

27 a. To conduct the school in accordance with this
28 Act and the standards and rules from time to time
29 adopted under this Act and to meet standards and
30 requirements at least as stringent as those required by
31 Part H of the federal Higher Education Act of 1965.

32 b. To permit the Department to inspect the school
33 or classes thereof from time to time with or without
34 notice; and to make available to the Department, at any
35 time when required to do so, information including
36 financial information pertaining to the activities of

1 the school required for the administration of this Act
2 and the standards and rules adopted under this Act;

3 c. To utilize only advertising and solicitation
4 that is free from misrepresentation, deception, fraud,
5 or other misleading or unfair trade practices;

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

13 e. To post in a conspicuous place a statement,
14 developed by the Department, of student's rights
15 provided under this Act. ~~The proposed barber school or~~
16 ~~college shall have a minimum of one theory or~~
17 ~~demonstration room, one workroom, and 2 toilet~~
18 ~~facilities.~~

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

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

31 ~~It shall be a requirement for maintaining and renewing~~
32 ~~a barber school license that the school or college of~~
33 ~~barbering actually provide instruction and teaching, as~~
34 ~~well as maintain the equipment required by this Section. If~~
35 ~~a barber school ceases operation for any reason, the~~
36 ~~Department shall place the school's license on inoperative~~

1 ~~status, without hearing, for a period of up to one year~~
2 ~~from the date that the school ceases operation. A barber~~
3 ~~school license on inoperative status may be restored by the~~
4 ~~Department upon resumption of operation in accordance with~~
5 ~~the requirements of this Act. A license on inoperative~~
6 ~~status may not be renewed.~~

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

15 4. The applicant shall establish to the satisfaction of
16 the Department that the owner possesses sufficient liquid
17 assets to meet the prospective expenses of the school for a
18 period of 3 months. In the discretion of the Department,
19 additional proof of financial ability may be required. The
20 ~~proposed barber school or college shall have a curriculum~~
21 ~~that includes each of the following subjects: the~~
22 ~~preparation and care of barber implements, the art of~~
23 ~~hairecutting, styling, shaving, beard trimming and~~
24 ~~shampooing, facial and scalp massaging and treatments~~
25 ~~either by hand or mechanical appliances, hair tinting,~~
26 ~~coloring, and bleaching, permanent waving, barber anatomy,~~
27 ~~physiology, bacteriology, sanitation, barber history,~~
28 ~~Illinois barber law, electricity and light rays, and a~~
29 ~~course dealing with the common diseases of the skin and~~
30 ~~methods to avoid the aggravation and spreading thereof in~~
31 ~~the practice of barbering.~~

32 ~~In a 1500 hour barber course all students shall receive~~
33 ~~a minimum of 150 hours of lectures, demonstrations, or~~
34 ~~discussions. The remaining 1350 hours shall be devoted to~~
35 ~~practical application of the student's skill in the~~
36 ~~workroom, or to additional theory or other classwork, at~~

1 ~~the discretion of the instructor.~~

2 5. The applicant shall comply with all rules of the
3 Department determining the necessary curriculum and
4 equipment required for the conduct of the school. ~~The~~
5 ~~school shall comply with all rules of the Department~~
6 ~~establishing the necessary curriculum and equipment~~
7 ~~required for the conduct of such school.~~

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

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

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

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

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

31 8. A written inspection report must be made by a local
32 fire authority or the State Fire Marshal approving the use
33 of the proposed premises as a barber school.

34 ~~Upon meeting all of the above requirements, the Department~~
35 ~~may issue a license and the school may commence classes.~~

36 ~~No barber school may cease operation without first~~

1 ~~delivering its student records to a place of safekeeping in~~
2 ~~accordance with Department rule.~~

3 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
4 90-580, eff. 5-21-98.)

5 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

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

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

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

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

22 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

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

24 Sec. 3-2. Licensure; qualifications.

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

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

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

34 c. Has graduated from a school of cosmetology approved
35 by the Department, having completed a program of 1500 hours

1 in the study of cosmetology extending over a period of not
2 less than 8 months nor more than 7 consecutive years. A
3 school of cosmetology may, at its discretion, consistent
4 with the rules of the Department, accept up to 500 hours of
5 barber school training at a recognized barber school toward
6 the 1500 hour program requirement of cosmetology. Time
7 spent in such study under the laws of another state or
8 territory of the United States or of a foreign country or
9 province shall be credited toward the period of study
10 required by the provisions of this paragraph; and

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

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

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

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

28 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

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

30 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
31 clinic teacher; qualifications.

32 (a) A person is qualified to receive license as a
33 cosmetology teacher if that person has applied in writing on
34 forms provided by the Department, has paid the required fees,
35 and:

- 1 (1) is at least 18 years of age;
- 2 (2) has graduated from high school or its equivalent;
- 3 (3) has a current license as a cosmetologist;
- 4 (4) has either: (i) completed a program of 500 hours of
- 5 teacher training in a licensed school of cosmetology and
- 6 had 2 years of practical experience as a licensed
- 7 cosmetologist within 5 years preceding the examination; or
- 8 (ii) completed a program of 1,000 hours of teacher training
- 9 in a licensed school of cosmetology;
- 10 (5) has passed an examination authorized by the
- 11 Department to determine eligibility ~~fitness~~ to receive a
- 12 license as a cosmetology teacher; and
- 13 (6) has met any other requirements of this Act.

14 ~~A cosmetology teacher who teaches esthetics, in order to be~~

15 ~~licensed, shall demonstrate, to the satisfaction of the~~

16 ~~Department, current skills in the use of machines used in the~~

17 ~~practice of esthetics.~~

18 An individual who receives a license as a cosmetology

19 teacher shall not be required to maintain an active cosmetology

20 license in order to practice cosmetology as defined in this

21 Act.

22 (b) A person is qualified to receive a license as a

23 cosmetology clinic teacher if he or she has applied in writing

24 on forms provided by the Department, has paid the required

25 fees, and:

- 26 (1) is at least 18 years of age;
- 27 (2) has graduated from high school or its equivalent;
- 28 (3) has a current license as a cosmetologist;
- 29 (4) has (i) completed a program of 250 hours of clinic
- 30 teacher training in a licensed school of cosmetology or
- 31 (ii) within 5 years preceding the examination, and has
- 32 obtained a minimum of 2 years of practical experience
- 33 working at least 30 full-time hours per week as a licensed
- 34 cosmetologist and has completed an instructor's institute
- 35 of 20 hours, as prescribed by the Department, prior to
- 36 submitting an application for examination ~~within 5 years~~

1 ~~preceding the examination;~~

2 (5) has passed an examination authorized by the
3 Department to determine eligibility ~~fitness~~ to receive a
4 license as a cosmetology teacher; and

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

6 The Department shall not issue any new cosmetology clinic
7 teacher licenses after January 1, 2009. Any person issued a
8 license as a cosmetology clinic teacher before January 1, 2009,
9 may renew the license after that date under this Act and that
10 person may continue to renew the license or have the license
11 restored during his or her lifetime, subject only to the
12 renewal or restoration requirements for the license under this
13 Act; however, such licensee and license shall remain subject to
14 the provisions of this Act, including, but not limited to,
15 provisions concerning renewal, restoration, fees, continuing
16 education, discipline, administration, and enforcement.

17 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
18 91-863, eff. 7-1-00.)

19 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

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

21 Sec. 3-6. Examination. The Department shall authorize
22 examinations of applicants for licensure as cosmetologists
23 ~~and~~ teachers of cosmetology at the times and places it may
24 determine. If an applicant for licensure as a cosmetologist
25 fails to pass 3 examinations conducted by the Department, the
26 applicant shall, before taking a subsequent examination,
27 furnish evidence of not less than 250 hours of additional study
28 of cosmetology in an approved school of cosmetology since the
29 applicant last took the examination. If an applicant for
30 licensure as a cosmetology teacher fails to pass 3 examinations
31 conducted by the Department, the applicant shall, before taking
32 a subsequent examination, furnish evidence of not less than 80
33 hours of additional study in teaching methodology and
34 educational psychology in an approved school of cosmetology
35 since the applicant last took the examination. An applicant who

1 fails to pass the fourth examination shall not again be
2 admitted to an examination unless: (i) in the case of an
3 applicant for licensure as a cosmetologist, the applicant again
4 takes and completes a program of 1500 hours in the study of
5 cosmetology in an approved school of cosmetology extending over
6 a period that commences after the applicant fails to pass the
7 fourth examination and that is not less than 8 months nor more
8 than 7 consecutive years in duration; (ii) in the case of an
9 applicant for licensure as a cosmetology teacher, the applicant
10 again takes and completes a program of 1000 hours of teacher
11 training in an approved school of cosmetology, except that if
12 the applicant had 2 years of practical experience as a licensed
13 cosmetologist within the 5 years preceding the initial
14 examination taken by the applicant, the applicant must again
15 take and complete a program of 500 hours of teacher training in
16 an approved school of cosmetology, esthetics, or nail
17 technology; or (iii) in the case of an applicant for licensure
18 as a cosmetology clinic teacher, the applicant again takes and
19 completes a program of 250 hours of clinic teacher training in
20 a licensed school of cosmetology or an instructor's institute
21 of 20 hours. The requirements for remedial training set forth
22 in this Section may be waived in whole or in part by the
23 Department upon proof to the Department that the applicant has
24 demonstrated competence to again sit for the examination. The
25 Department shall adopt rules establishing the standards by
26 which this determination shall be made. Each cosmetology
27 applicant shall be given a written examination testing both
28 theoretical and practical knowledge, which shall include, but
29 not be limited to, questions that determine the applicant's
30 knowledge of product chemistry, sanitary rules, sanitary
31 procedures, chemical service procedures, hazardous chemicals
32 and exposure minimization, knowledge of the anatomy of the
33 skin, scalp, ~~and~~ hair, and nails as they relate to applicable
34 services under this Act and labor and compensation laws.

35 The examination of applicants for licensure as a
36 cosmetology, esthetics, or nail technology teacher may include

1 all of the elements of the exam for licensure as a
2 cosmetologist, esthetician, or nail technician and also
3 include teaching methodology, classroom management, record
4 keeping, and any other related subjects that the Department in
5 its discretion may deem necessary to insure competent
6 performance.

7 This Act does not prohibit the practice of cosmetology by
8 one who has applied in writing to the Department, in form and
9 substance satisfactory to the Department, for a license as a
10 cosmetologist, or the teaching of cosmetology by one who has
11 applied in writing to the Department, in form and substance
12 satisfactory to the Department, for a license as a cosmetology
13 teacher or cosmetology clinic teacher, if the person has
14 complied with all the provisions of this Act in order to
15 qualify for a license, except the passing of an examination to
16 be eligible to receive a license, until: (a) the expiration of
17 6 months after the filing of the written application, (b) the
18 decision of the Department that the applicant has failed to
19 pass an examination within 6 months or failed without an
20 approved excuse to take an examination conducted within 6
21 months by the Department, or (c) the withdrawal of the
22 application.

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

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

31 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

33 Sec. 3-7. Licensure; renewal; continuing education;
34 military service. The holder of a license issued under this
35 Article III may renew that license during the month preceding

1 the expiration date thereof by paying the required fee, giving
2 such evidence as the Department may prescribe of completing not
3 less than 14 hours of continuing education for a cosmetologist,
4 and 24 hours of continuing education for a cosmetology teacher
5 or cosmetology clinic teacher, within the 2 years prior to
6 renewal. The training shall be in subjects approved by the
7 Department as prescribed by rule upon recommendation of the
8 Committee.

9 A license that has been expired for more than 5 years may
10 be restored by payment of the restoration fee and submitting
11 evidence satisfactory to the Department of the current
12 qualifications and fitness of the licensee, which shall include
13 completion of continuing education hours for the period
14 subsequent to expiration.

15 The Department shall establish by rule a means for the
16 verification of completion of the continuing education
17 required by this Section. This verification may be accomplished
18 through audits of records maintained by registrants, by
19 requiring the filing of continuing education certificates with
20 the Department, or by other means established by the
21 Department. ~~The Department may select a qualified organization
22 that has no direct business relationship with a licensee,
23 licensed entity or a subsidiary of a licensed entity under this
24 Act to maintain and verify records relating to continuing
25 education.~~

26 A license issued under the provisions of this Act that has
27 expired while the holder of the license was engaged (1) in
28 federal service on active duty with the Army of the United
29 States, the United States Navy, the Marine Corps, the Air
30 Force, the Coast Guard, or any Women's Auxiliary thereof, or
31 the State Militia called into the service or training of the
32 United States of America, or (2) in training or education under
33 the supervision of the United States preliminary to induction
34 into the military service, may be reinstated or restored
35 without the payment of any lapsed renewal fees, reinstatement
36 fee, or restoration fee if within 2 years after the termination

1 of such service, training, or education other than by
2 dishonorable discharge, the holder furnishes the Department
3 with an affidavit to the effect that he or she has been so
4 engaged and that his or her service, training, or education has
5 been so terminated.

6 The Department, in its discretion, may waive enforcement of
7 the continuing education requirement in this Section and shall
8 adopt rules defining the standards and criteria for that waiver
9 under the following circumstances:

10 (a) the licensee resides in a locality where it is
11 demonstrated that the absence of opportunities for such
12 education would interfere with the ability of the licensee
13 to provide service to the public;

14 (b) that to comply with the continuing education
15 requirements would cause a substantial financial hardship
16 on the licensee;

17 (c) that the licensee is serving in the United States
18 Armed Forces; or

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

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

27 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
28 90-302, eff. 8-1-97; 90-602, eff. 1-1-99.)

29 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

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

32 (A) Any one or combination of ~~person who for compensation,~~
33 ~~whether direct or indirect, including tips, engages in the~~
34 following practices, when done for cosmetic or beautifying
35 purposes and not for the treatment of disease or of a muscular

1 or nervous disorder, constitutes ~~engages in~~ the practice of
2 esthetics:

3 1. Beautifying, massaging, cleansing, exfoliating, or
4 stimulating the stratum corneum of the epidermis ~~or~~
5 ~~stimulating the skin of the human body, except the scalp,~~
6 by the use of cosmetic preparations, body treatments, body
7 wraps, ~~the use of hydrotherapy, antiseptics, tonics,~~
8 ~~lotions or creams~~ or any device, electrical, mechanical, or
9 otherwise, for the care of the skin;

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

13 3. Removing superfluous hair from the body of any
14 person ~~by the use of depilatories, waxing or tweezers.~~

15 However, esthetics does not include the services provided
16 by a cosmetologist or electrologist. Estheticians are
17 prohibited from using techniques, products, and practices
18 intended to affect the living layers of the skin ~~performing any~~
19 ~~procedure which may puncture or abrade the skin below the~~
20 ~~stratum corneum of the epidermis or remove closed milia~~
21 ~~(whiteheads) which may draw blood or serous body fluid.~~ The
22 term esthetics includes rendering advice on what is
23 cosmetically appealing, but no person licensed under this Act
24 shall render advice on what is appropriate medical treatment
25 for diseases of the skin.

26 (B) "Esthetician" means any person who, with hands or
27 mechanical or electrical apparatus or appliances, engages only
28 in the use of cosmetic preparations, body treatments, body
29 wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,
30 creams or other preparations or in the practice of massaging,
31 cleansing, exfoliating the stratum corneum of the epidermis,
32 stimulating, manipulating, beautifying, grooming or similar
33 work on the face, neck, arms and hands or body in a superficial
34 mode, and not for the treatment of medical disorders.

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

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

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

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

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

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

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

10 (3) has a current license as a licensed cosmetologist
11 or esthetician;

12 (4) has either: (i) completed a program of 500 hours of
13 teacher training in a licensed school of cosmetology or a
14 licensed esthetics school and had 2 years of practical
15 experience as a licensed cosmetologist or esthetician
16 within 5 years preceding the examination; or (ii) completed
17 a program of 750 hours of teacher training in a licensed
18 school of cosmetology approved by the Department to teach
19 esthetics or a licensed esthetics school;

20 (5) has passed an examination authorized by the
21 Department to determine eligibility ~~fitness~~ to receive a
22 license as a licensed cosmetology or esthetics teacher;

23 (6) (blank); and ~~demonstrates, to the satisfaction of~~
24 ~~the Department, current skills in the use of machines used~~
25 ~~in the practice of esthetics; and~~

26 (7) has met any other requirements as required by this
27 Act.

28 (b) A person is qualified to receive a license as an
29 esthetics clinic teacher if that person has applied in writing
30 on forms supplied by the Department, 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 licensed cosmetologist
35 or esthetician;

36 (4) has (i) completed a program of 250 hours of clinic

1 teacher training in a licensed school of cosmetology
2 approved by the Department to teach esthetics or a licensed
3 esthetics school or (ii) within 5 years preceding the
4 examination, has obtained a minimum of ~~and had~~ 2 years of
5 practical experience working at least 30 full-time hours
6 per week as a licensed cosmetologist or esthetician and has
7 completed an instructor's institute of 20 hours, as
8 prescribed by the Department, prior to submitting an
9 application for examination ~~within 5 years preceding the~~
10 ~~examination;~~

11 (5) has passed an examination authorized by the
12 Department to determine eligibility ~~fitness~~ to receive a
13 license as a licensed cosmetology teacher or licensed
14 esthetics teacher;

15 (6) (blank); ~~demonstrates, to the satisfaction of the~~
16 ~~Department, current skills in the use of machines used in~~
17 ~~the practice of esthetics;~~ and

18 (7) has met any other requirements required by this
19 Act.

20 The Department shall not issue any new esthetics clinic
21 teacher licenses after January 1, 2009. Any person issued a
22 license as an esthetics clinic teacher before January 1, 2009,
23 may renew the license after that date under this Act and that
24 person may continue to renew the license or have the license
25 restored during his or her lifetime, subject only to the
26 renewal or restoration requirements for the license under this
27 Act; however, such licensee and license shall remain subject to
28 the provisions of this Act, including, but not limited to,
29 provisions concerning renewal, restoration, fees, continuing
30 education, discipline, administration, and enforcement.

31 (c) An applicant who is issued a license as an esthetics
32 teacher or esthetics clinic teacher is not required to maintain
33 an esthetics license in order to practice as an esthetician as
34 defined in this Act.

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

1 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

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

3 Sec. 3A-5. Examination.

4 (a) The Department shall authorize examinations of
5 applicants for a license as an esthetician or teacher of
6 esthetics at such times and places as it may determine. The
7 Department shall authorize no fewer than 4 examinations for a
8 license as an esthetician or a teacher of esthetics in a
9 calendar year.

10 If an applicant neglects, fails without an approved excuse,
11 or refuses to take the next available examination offered for
12 licensure under this Act, the fee paid by the applicant shall
13 be forfeited to the Department and the application denied. If
14 an applicant fails to pass an examination for licensure under
15 this Act within 3 years after filing his or her application,
16 the application shall be denied. However, such applicant may
17 thereafter make a new application for examination, accompanied
18 by the required fee, if he or she meets the requirements in
19 effect at the time of reapplication. If an applicant for
20 licensure as an esthetician is unsuccessful at 3 examinations
21 conducted by the Department, the applicant shall, before taking
22 a subsequent examination, furnish evidence of not less than 125
23 hours of additional study of esthetics in an approved school of
24 cosmetology or esthetics since the applicant last took the
25 examination. If an applicant for licensure as an esthetics
26 teacher or esthetics clinic teacher is unsuccessful at 3
27 examinations conducted by the Department, the applicant shall,
28 before taking a subsequent examination, furnish evidence of not
29 less than 80 hours of additional study in teaching methodology
30 and educational psychology in a licensed school of cosmetology
31 or esthetics since the applicant last took the examination. An
32 applicant who fails to pass a fourth examination shall not
33 again be admitted to an examination unless (i) in the case of
34 an applicant for licensure as an esthetician, the applicant
35 shall again take and complete a program of 750 hours in the
36 study of esthetics in a licensed school of cosmetology approved

1 to teach esthetics or a school of esthetics, extending over a
2 period that commences after the applicant fails to pass the
3 fourth examination and that is not less than 18 weeks nor more
4 than 4 consecutive years in duration; (ii) in the case of an
5 applicant for a license as an esthetics teacher, the applicant
6 shall again take and complete a program of 750 hours of teacher
7 training in a school of cosmetology approved to teach esthetics
8 or a school of esthetics, except that if the applicant had 2
9 years of practical experience as a licensed cosmetologist or
10 esthetician within 5 years preceding the initial examination
11 taken by the applicant, the applicant must again take and
12 complete a program of 500 hours of teacher training in licensed
13 cosmetology or a licensed esthetics school; or (iii) in the
14 case of an applicant for a license as an esthetics clinic
15 teacher, the applicant shall again take and complete a program
16 of 250 hours of clinic teacher training in a licensed school of
17 cosmetology or a licensed school of esthetics.

18 (b) Each applicant shall be given a written examination
19 testing both theoretical and practical knowledge which shall
20 include, but not be limited to, questions that determine the
21 applicant's knowledge, as provided by rule. ~~of:~~

22 ~~(1) product chemistry;~~

23 ~~(2) sanitary rules and regulations;~~

24 ~~(3) sanitary procedures;~~

25 ~~(4) chemical service procedures;~~

26 ~~(5) knowledge of the anatomy of the skin, as it relates~~
27 ~~to applicable services under this Act;~~

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

29 ~~(7) labor and compensation laws.~~

30 (c) The examination of applicants for licensure as an
31 esthetics teacher ~~may include all of the above and may also~~
32 include:

33 (1) teaching methodology;

34 (2) classroom management; and

35 (3) record keeping and any other subjects that the

36 Department may deem necessary to insure competent

1 performance.

2 (d) This Act does not prohibit the practice of esthetics by
3 one who has applied in writing to the Department, in form and
4 substance satisfactory to the Department, for a license as an
5 esthetician, an esthetics teacher, or an esthetics clinic
6 teacher and has complied with all the provisions of this Act in
7 order to qualify for a license, except the passing of an
8 examination to be eligible to receive such license certificate,
9 until: (i) the expiration of 6 months after the filing of such
10 written application, or (ii) the decision of the Department
11 that the applicant has failed to pass an examination within 6
12 months or failed without an approved excuse to take an
13 examination conducted within 6 months by the Department, or
14 (iii) the withdrawal of the application.

15 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
16 91-863, eff. 7-1-00.)

17 (225 ILCS 410/3B-10)

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

19 Sec. 3B-10. Requisites for ownership or operation of
20 school. No person, firm, or corporation may own, operate, or
21 conduct a school of cosmetology, esthetics, or nail technology
22 for the purpose of teaching cosmetology, esthetics, or nail
23 technology for compensation without applying on forms provided
24 by the Department, paying the required fees, and complying with
25 the following requirements:

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

28 a. A floor plan, drawn to a scale specified on the
29 floor plan, showing every detail of the proposed
30 school; and

31 b. A lease commitment or proof of ownership for the
32 location of the proposed school; a lease commitment
33 must provide for execution of the lease upon the
34 Department's approval of the school's application and
35 the lease must be for a period of at least one year.†

1 ~~and~~

2 c. (Blank). ~~A written inspection report made by the~~
3 ~~State Fire Marshal approving the use of the proposed~~
4 ~~premises as a cosmetology, esthetics, or nail~~
5 ~~technology school.~~

6 2. An application to own or operate a school shall
7 include the following:

8 a. If the owner is a corporation, a copy of the
9 Articles of Incorporation;

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

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

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

18 e. A listing of all teachers who will be in the
19 school's employ, including their teacher license
20 numbers;

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

22 g. The names, addresses, and current status of all
23 schools in which the applicant has previously owned any
24 interest, and a declaration as to whether any of these
25 schools were ever denied accreditation or licensing or
26 lost accreditation or licensing from any governmental
27 body or accrediting agency;

28 h. Each application for a certificate of approval
29 shall be signed and certified under oath by the
30 school's chief managing employee and also by its
31 individual owner or owners; if the applicant is a
32 partnership or a corporation, then the application
33 shall be signed and certified under oath by the
34 school's chief managing employee and also by each
35 member of the partnership or each officer of the
36 corporation, as the case may be;

- 1 i. A copy of the school's official transcript; and
- 2 j. The required fee.

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

5 a. To conduct the school in accordance with this
6 Act and the standards, and rules from time to time
7 adopted under this Act and to meet standards and
8 requirements at least as stringent as those required by
9 Part H of the Federal Higher Education Act of 1965.

10 b. To permit the Department to inspect the school
11 or classes thereof from time to time with or without
12 notice; and to make available to the Department, at any
13 time when required to do so, information including
14 financial information pertaining to the activities of
15 the school required for the administration of this Act
16 and the standards and rules adopted under this Act;

17 c. To utilize only advertising and solicitation
18 which is free from misrepresentation, deception,
19 fraud, or other misleading or unfair trade practices;

20 d. To screen applicants to the school prior to
21 enrollment pursuant to the requirements of the
22 school's regional or national accrediting agency, if
23 any, and to maintain any and all records of such
24 screening. If the course of instruction is offered in a
25 language other than English, the screening shall also
26 be performed in that language;

27 e. To post in a conspicuous place a statement,
28 developed by the Department, of student's rights
29 provided under this Act.

30 4. The applicant shall establish to the satisfaction of
31 the Department that the owner possesses sufficient liquid
32 assets to meet the prospective expenses of the school for a
33 period of 3 months. In the discretion of the Department,
34 additional proof of financial ability may be required.

35 5. The applicant shall comply with all rules of the
36 Department determining the necessary curriculum and

1 equipment required for the conduct of the school.

2 6. The applicant must demonstrate employment of a
3 sufficient number of qualified teachers who are holders of
4 a current license issued by the Department.

5 7. A final inspection of the cosmetology, esthetics, or
6 nail technology school shall be made by the Department
7 before the school may commence classes.

8 8. A written inspection report must be made by the
9 State Fire Marshal or a local fire authority approving the
10 use of the proposed premises as a cosmetology, esthetics,
11 or nail technology school.

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

13 (225 ILCS 410/3B-11)

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

15 Sec. 3B-11. Periodic review of cosmetology, esthetics and
16 nail technology schools. The Department shall review at least
17 biennially all approved schools and courses of instruction. The
18 biennial review shall include consideration of a comparison
19 between the graduation or completion rate for the school and
20 the graduation or completion rate for the schools within that
21 classification of schools. Consideration shall be given to
22 complaints and information forwarded to the Department by the
23 Federal Trade Commission, Better Business Bureaus, the
24 Illinois Attorney General's Office, a State's Attorney's
25 Office, other State or official approval agencies, local school
26 officials, and interested persons. The Department shall
27 investigate all ~~written~~ complaints filed with the Department
28 about a school or its sales representatives.

29 A school shall retain the records, as defined by rule, of a
30 student who withdraws from or drops out of the school, by
31 written notice of cancellation or otherwise, for any period
32 longer than 7 years from the student's first day of attendance.
33 However, a school shall retain indefinitely the transcript of
34 each student who completes the program and graduates from the
35 school.

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

2 (225 ILCS 410/3B-13)

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

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

7 (1) Schools shall, when a student gives written notice of
8 cancellation, provide a refund in the amount of at least the
9 following:

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

14 (b) When notice of cancellation is given after the
15 fifth day following enrollment but before the completion of
16 the student's first day of class attendance, the school may
17 retain no more than the application and registration fee,
18 plus the cost of any books or materials which have been
19 provided by the school and retained by the student.

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

28 (d) When a student has completed 5% or more of the
29 course of instruction, the school may retain the
30 application and registration fee and the cost of any books
31 or materials which have been provided by the school but
32 shall refund a part of the tuition and other instructional
33 charges in accordance with the National Accrediting
34 Commission of Cosmetology Arts and Sciences and rules that
35 the Department shall promulgate for purposes of this

1 Section.

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

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

6 (4) Deposits or down payments shall become part of the
7 tuition.

8 (5) The school shall mail a written acknowledgement of a
9 student's cancellation or written withdrawal to the student
10 within 15 calendar days of the date of notification. Written
11 acknowledgement is not necessary if a refund has been mailed to
12 the student within the 15 calendar days.

13 (6) If the school cancels or discontinues a course, the
14 student shall be entitled to receive from the school such
15 refund or partial refund of the tuition, fees, and other
16 charges paid by the student or on behalf of the student as is
17 provided under rules promulgated by the Department.

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

21 (8) A student shall give notice of cancellation to the
22 school in writing. The unexplained absence of a student from a
23 school for more than 30 ~~45~~ consecutive calendar days shall
24 constitute constructive notice of cancellation to the school.
25 For purposes of cancellation, the cancellation date shall be
26 the last day of attendance.

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

29 (10) Each student and former student shall be entitled to
30 receive from the school that the student attends or attended an
31 official transcript of all hours completed by the student at
32 that school for which the applicable tuition, fees, and other
33 charges have been paid, together with the grades earned by the
34 student for those hours, provided that a student who withdraws
35 from or drops out of a school, by written notice of
36 cancellation or otherwise, shall not be entitled to any

1 transcript of completed hours following the expiration of the
2 7-year period that began on the student's first day of
3 attendance at the school. A reasonable fee, not exceeding \$2,
4 may be charged by the school for each transcript after the
5 first free transcript that the school is required to provide to
6 a student or former student under this Section.

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

8 (225 ILCS 410/3B-15)

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

10 Sec. 3B-15. Grounds for disciplinary action. In addition to
11 any other cause herein set forth the Department may refuse to
12 issue or renew and may suspend, place on probation, or revoke
13 any license to operate a school, or take any other action that
14 the Department may deem proper, including the imposition of
15 fin~~es~~ ~~civil penalties~~ not to exceed \$5,000 ~~\$1,000~~ for each
16 violation, for any one or any combination of the following
17 causes:

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

20 (2) Knowingly furnishing false, misleading, or incomplete
21 information to the Department or failure to furnish information
22 requested by the Department.

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

27 (4) Presenting to prospective students information
28 relating to the school, or to employment opportunities or
29 opportunities for enrollment in institutions of higher
30 learning after entering into or completing courses offered by
31 the school, that is false, misleading, or fraudulent.

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

34 (6) Failure to maintain financial resources adequate for
35 the satisfactory conduct of the courses of instruction offered

1 or to retain a sufficient and qualified instructional and
2 administrative staff.

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

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

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

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

14 (11) Conduct of business or instructional services other
15 than at locations approved by the Department.

16 (12) Failure to make all of the disclosures or making
17 inaccurate disclosures to the Department or in the enrollment
18 agreement as required under this Act.

19 (13) Failure to make appropriate refunds as required by
20 this Act.

21 (14) Denial, loss, or withdrawal of accreditation by any
22 accrediting agency.

23 (15) During any calendar year, having a failure rate of 25%
24 or greater for those of its students who for the first time
25 take the examination authorized by the Department to determine
26 fitness to receive a license as a cosmetologist, cosmetology
27 teacher, esthetician, esthetician teacher, nail technician, or
28 nail technology teacher, provided that a student who transfers
29 into the school having completed 50% or more of the required
30 program with ~~750 or more hours for cosmetologists, 375 or more~~
31 hours for estheticians, 175 or more hours for nail technician,
32 500 or more hours for teachers or 125 or more hours for clinic
33 teachers and who takes the examination during that calendar
34 year shall not be counted for purposes of determining the
35 school's failure rate on an examination, without regard to
36 whether that transfer student passes or fails the examination.

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

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

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

10 (225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

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

12 Sec. 3C-1. Definitions. "Nail technician" means any person
13 who for compensation manicures, pedicures, or decorates nails,
14 applies ~~sculptured or otherwise~~ artificial applications ~~nails~~
15 by hand or with mechanical or electrical apparatus or
16 appliances, or in any way beautifies ~~cares for~~ the nails or the
17 skin of the hands or feet including massaging the hands, arms,
18 elbows, feet, lower legs, and knees of another person for other
19 than the treatment of medical disorders.

20 However, nail technicians are prohibited from using
21 techniques, products, and practices intended to affect the
22 living layers of the skin ~~performing any procedure that may~~
23 ~~puncture the skin or which may draw blood or serous body fluid.~~

24 The term nail technician includes rendering advice on what is
25 cosmetically appealing, but no person licensed under this Act
26 shall render advice on what is appropriate medical treatment
27 for diseases of the nails or skin.

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

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

1 school of cosmetology or an approved school of nail technology.
2 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

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

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

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

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

10 (b) Is beyond the age of compulsory school attendance
11 or has a certificate of graduation from a school providing
12 secondary education ~~Has graduated from an eighth grade~~
13 ~~elementary school~~ or the recognized ~~its~~ equivalent of that
14 certificate;

15 (c) Has graduated from a school of cosmetology or
16 school of nail technology approved by the Department,
17 having completed a program ~~curriculum~~ of 350 hours in the
18 study of nail technology extending over a period of not
19 less than 8 weeks nor more than 2 consecutive years ~~and~~
20 ~~including the following: (1) theory, (2) manicuring and~~
21 ~~pedicuring, (3) nail treatments, (4) sanitary rules and~~
22 ~~sterilization, and (5) related electives; and~~

23 (d) Has passed an examination authorized by the
24 Department to determine eligibility ~~fitness~~ to receive a
25 license as a nail technician; and

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

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

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

32 (225 ILCS 410/3C-3) (from Ch. 111, par. 1703C-3)

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

34 Sec. 3C-3. Licensure as a nail technology teacher or nail

1 technology clinic teacher; qualifications.

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

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

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

7 (3) has a current license as a cosmetologist or nail
8 technician;

9 (4) has either: (1) completed a program of 500 hours of
10 teacher training in a licensed school of nail technology or
11 cosmetology, and had 2 years of practical experience as a
12 nail technician; or (2) has completed a program of 625
13 hours of teacher training in a licensed school of
14 cosmetology approved to teach nail technology or school of
15 nail technology; and

16 (5) who has passed an examination authorized by the
17 Department to determine eligibility ~~fitness~~ to receive a
18 license as a cosmetology or nail technology teacher.

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

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

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

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

27 (4) has (i) completed a program of 250 hours of clinic
28 teacher training in a licensed school of cosmetology or a
29 licensed nail technology school or (ii) within 5 years
30 preceding the examination, has obtained a minimum of ~~and~~
31 ~~had~~ 2 years of practical experience working at least 30
32 full-time hours per week as a licensed cosmetologist or
33 nail technician and has completed an instructor's
34 institute of 20 hours, as prescribed by the Department,
35 prior to submitting an application for examination ~~within 5~~
36 years preceding the examination;

1 (5) has passed an examination authorized by the
2 Department to determine eligibility ~~fitness~~ to receive a
3 license as a licensed cosmetology teacher or licensed nail
4 technology teacher;

5 (6) demonstrates, to the satisfaction of the
6 Department, current skills in the use of machines used in
7 the practice of nail technology; and

8 (7) has met any other requirements required by this
9 Act.

10 The Department shall not issue any new nail technology
11 clinic teacher licenses after January 1, 2009. Any person
12 issued a license as a nail technology clinic teacher before
13 January 1, 2009, may renew the license after that date under
14 this Act and that person may continue to renew the license or
15 have the license restored during his or her lifetime, subject
16 only to the renewal or restoration requirements for the license
17 under this Act; however, such licensee and license shall remain
18 subject to the provisions of this Act, including, but not
19 limited to, provisions concerning renewal, restoration, fees,
20 continuing education, discipline, administration, and
21 enforcement.

22 (c) An applicant who receives a license as a nail
23 technology teacher or nail technology clinic teacher shall not
24 be required to maintain a license as a nail technician.

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

26 (225 ILCS 410/3C-9) (from Ch. 111, par. 1703C-9)

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

28 Sec. 3C-9. Endorsement. Upon payment of the required fee,
29 an applicant who is a nail technician, nail technology teacher,
30 or nail technology clinic teacher registered or licensed under
31 the laws of another state or territory of the United States or
32 of a foreign country or province may be granted a license as a
33 nail technician, nail technician teacher, or nail technology
34 clinic teacher by the Department in its discretion upon the
35 following conditions:

1 (a) For a nail technologist registered or licensed
2 elsewhere:

3 (1) the applicant is at least 16 years of age;

4 (1.5) the applicant has passed an examination
5 authorized by the Department to determine eligibility
6 ~~fitness~~ to receive a license as a nail technician; and

7 (2) the requirements for the registration or licensing
8 of nail technicians in the particular state, territory,
9 country or province were, at the date of licensure,
10 substantially equivalent to the requirements then in force
11 in this State. The Department shall prescribe reasonable
12 rules and regulations governing the recognition of and the
13 credit to be given to the study of nail technology under a
14 cosmetologist or nail technician registered or licensed
15 under the laws of another state or territory of the United
16 States or a foreign country or province by an applicant for
17 a license as a nail technician.

18 (b) For a nail technology teacher or nail technology clinic
19 teacher licensed or registered elsewhere:

20 (1) the applicant is at least 18 years of age;

21 (1.5) the applicant has passed an examination
22 authorized by the Department to determine eligibility
23 ~~fitness~~ to receive a license as a nail technology teacher;
24 and

25 (2) the requirements for the licensing of nail
26 technology teachers or nail technology clinic teachers in
27 the other jurisdiction were, at the date of licensure,
28 substantially equivalent to the requirements then in force
29 in this State; or the applicant has established proof of
30 legal practice as a nail technology teacher or nail
31 technology clinic teacher in another jurisdiction for at
32 least 3 years.

33 The Department shall allow applicants who have been
34 licensed to practice nail technology in other states a credit
35 of at least 75 hours for each year of experience toward the
36 education required under this Act.

1 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97; 90-632,
2 eff. 1-1-99.)

3 (225 ILCS 410/3D-5)

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

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

8 (a) No person, firm, partnership, limited liability
9 company, or corporation shall own or operate a cosmetology,
10 esthetics, or nail technology salon or barber shop or employ,
11 rent space to, or independently contract with any licensee
12 under this Act without ~~first~~ applying on forms provided by the
13 Department for a certificate of registration.

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

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

31 (d) If a person, firm, partnership, limited liability
32 company, or corporation owns or operates more than one shop or
33 salon, a separate certificate of registration must be obtained
34 for each salon or shop.

35 (e) A certificate of registration granted under this

1 Section may be revoked in accordance with the provisions of
2 Article IV and the holder of the certificate may be otherwise
3 disciplined by the Department in accordance with rules adopted
4 under this Act.

5 (f) The Department may promulgate rules to establish
6 additional requirements for owning or operating a salon or
7 shop.

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

9 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

11 Sec. 4-1. Powers and duties of Department. The Department
12 shall exercise, subject to the provisions of this Act, the
13 following functions, powers and duties:

14 (1) To cause to be conducted examinations to ascertain the
15 qualifications and fitness of applicants for licensure as
16 cosmetologists, estheticians, nail technicians, or barbers and
17 as cosmetology, esthetics, nail technology, or barbering
18 teachers.

19 (2) To determine the ~~establish~~ qualifications for
20 licensure as a cosmetologist, esthetician, nail technician, or
21 barber or cosmetology, esthetics, nail technology, or barber
22 teacher or cosmetology, esthetics, or nail technology clinic
23 teachers for persons currently licensed as cosmetologists,
24 estheticians, nail technicians, or barbers or cosmetology,
25 esthetics, nail technology, or barber teachers or cosmetology,
26 esthetics, or nail technology clinic teachers outside the State
27 of Illinois or the continental U.S.

28 (3) To prescribe rules for:

29 (i) The method of examination of candidates for
30 licensure as a cosmetologist, esthetician, nail
31 technician, or barber or cosmetology, esthetics, nail
32 technology, or barbering teacher.

33 (ii) Minimum standards as to what constitutes an
34 approved school of cosmetology, esthetics, nail
35 technology, or barbering.

1 (4) To conduct investigations or hearings on proceedings to
2 determine disciplinary action.

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

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

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

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

18 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

20 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
21 Technology Board Committee. There is established within the
22 Department the Barber, Cosmetology, Esthetics, and Nail
23 Technology Board Committee, composed of 11 persons, which shall
24 serve in an advisory capacity to ~~designated from time to time~~
25 ~~by the Director to advise~~ the Director in all matters related
26 to the practice of barbering, cosmetology, esthetics, and nail
27 technology.

28 The 11 members of the Board Committee shall be appointed as
29 follows: 6 licensed cosmetologists, all of whom hold a current
30 license as a cosmetologist or cosmetology teacher and, for
31 appointments made after the effective date of this amendatory
32 Act of 1996, at least 2 of whom shall be an owner of or a major
33 stockholder in a school of cosmetology, 2 of whom shall be
34 representatives of either a franchiser or an owner operating
35 salons in 2 or more locations within the State ~~one of whom~~

1 ~~shall be a representative of a franchiser with 5 or more~~
2 ~~locations within the State, one of whom shall be a~~
3 ~~representative of an owner operating salons in 5 or more~~
4 ~~locations within the State, one of whom shall be an independent~~
5 salon owner, and no one of the cosmetologist members shall be a
6 manufacturer, jobber, or stockholder in a factory of
7 cosmetology articles or an immediate family member of any of
8 the above; 2 of whom shall be barbers holding a current
9 license; one member who shall be a licensed esthetician or
10 esthetics teacher; one member who shall be a licensed nail
11 technician or nail technology teacher; and one public member
12 who holds no licenses issued by the Department. The Director
13 shall give due consideration for membership to recommendations
14 by members of the professions and by their professional
15 organizations. Members shall serve 4 year terms and until their
16 successors are appointed and qualified. No member shall be
17 reappointed to the Board Committee for more than 2 terms.
18 Appointments to fill vacancies shall be made in the same manner
19 as original appointments for the unexpired portion of the
20 vacated term. Members of the Board Committee in office on the
21 effective date of this amendatory Act of 1996 shall continue to
22 serve for the duration of the terms to which they have been
23 appointed, but beginning on that effective date all
24 appointments of licensed cosmetologists and barbers to serve as
25 members of the Board Committee shall be made in a manner that
26 will effect at the earliest possible date the changes made by
27 this amendatory Act of 1996 in the representative composition
28 of the Board Committee.

29 A majority of Board Committee members then appointed
30 constitutes a quorum. A majority of the quorum is required for
31 a Board Committee decision.

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

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

1 (225 ILCS 410/3C-4 rep.)

2 (225 ILCS 410/3C-5 rep.)

3 (225 ILCS 410/4-1.5 rep.)

4 Section 15. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by repealing Sections 3C-4,
6 3C-5, and 4-1.5.

7 Section 99. Effective date. This Act takes effect December
8 31, 2005.