



Rep. Mary E. Flowers

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LRB096 21056 MJR 37633 a

1 AMENDMENT TO HOUSE BILL 6428

2 AMENDMENT NO. _____. Amend House Bill 6428 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Sections 1-11 and
6 3-1 as follows:

7 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 1-11. Exceptions to Act.

10 (a) Nothing in this Act shall be construed to apply to the
11 educational activities conducted in connection with any
12 monthly, annual or other special educational program of any
13 bona fide association of licensed cosmetologists,
14 estheticians, nail technicians, or barbers, or licensed
15 cosmetology, esthetics, nail technology, or barber schools
16 from which the general public is excluded.

1 (b) Nothing in this Act shall be construed to apply to the
2 activities and services of registered nurses or licensed
3 practical nurses, as defined in the Nurse Practice Act, or to
4 personal care or health care services provided by individuals
5 in the performance of their duties as employed or authorized by
6 facilities or programs licensed or certified by State agencies.
7 As used in this subsection (b), "personal care" means
8 assistance with meals, dressing, movement, bathing, or other
9 personal needs or maintenance or general supervision and
10 oversight of the physical and mental well-being of an
11 individual who is incapable of maintaining a private,
12 independent residence or who is incapable of managing his or
13 her person whether or not a guardian has been appointed for
14 that individual. The definition of "personal care" as used in
15 this subsection (b) shall not otherwise be construed to negate
16 the requirements of this Act or its rules.

17 (c) Nothing in this Act shall be deemed to require
18 licensure of individuals employed by the motion picture, film,
19 television, stage play or related industry for the purpose of
20 providing cosmetology or esthetics services to actors of that
21 industry while engaged in the practice of cosmetology or
22 esthetics as a part of that person's employment.

23 (d) Nothing in this Act shall be deemed to apply to the
24 practice of hair braiding. For the purposes of this subsection
25 (d), any one or any combination of the following processes
26 constitute the practice of hair braiding: the process of

1 interweaving or twisting and locking an individual's natural
2 hair; the process of interweaving together synthetic hair with
3 human hair by hand; or similar work upon the hair of any
4 person, which does not otherwise constitute the practice of
5 cosmetology as defined in Section 3-1 of this Act.

6 (Source: P.A. 95-639, eff. 10-5-07.)

7 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 3-1. Cosmetology defined. Any one or any combination
10 of the following practices constitutes the practice of
11 cosmetology when done for cosmetic or beautifying purposes and
12 not for the treatment of disease or of muscular or nervous
13 disorder: arranging, (not braiding), dressing, cutting,
14 trimming, curling, waving, chemical restructuring, shaping,
15 singeing, bleaching, coloring or similar work, upon the hair of
16 the head or any cranial prosthesis; cutting or trimming facial
17 hair of any person; any practice of manicuring, pedicuring,
18 decorating nails, applying sculptured nails or otherwise
19 artificial nails by hand or with mechanical or electrical
20 apparatus or appliances, or in any way caring for the nails or
21 the skin of the hands or feet including massaging the hands,
22 arms, elbows, feet, lower legs, and knees of another person for
23 other than the treatment of medical disorders; any practice of
24 epilation or depilation of any person; any practice for the
25 purpose of cleansing, massaging or toning the skin of the

1 scalp; beautifying, massaging, cleansing, exfoliating, or
2 stimulating the stratum corneum of the epidermis by the use of
3 cosmetic preparations, body treatments, body wraps, the use of
4 hydrotherapy, or any device, electrical, mechanical, or
5 otherwise; applying make-up or eyelashes to any person or
6 lightening hair on the body and removing superfluous hair from
7 the body of any person by the use of depilatories, waxing or
8 tweezers. The term "cosmetology" does not include the services
9 provided by an electrologist. Nail technology is the practice
10 and the study of cosmetology only to the extent of manicuring,
11 pedicuring, decorating, and applying sculptured or otherwise
12 artificial nails, or in any way caring for the nail or the skin
13 of the hands or feet including massaging the hands, arms,
14 elbows, feet, lower legs, and knees. Cosmetologists are
15 prohibited from using any technique, product, or practice
16 intended to affect the living layers of the skin. The term
17 cosmetology includes rendering advice on what is cosmetically
18 appealing, but no person licensed under this Act shall render
19 advice on what is appropriate medical treatment for diseases of
20 the skin. Purveyors of cosmetics may demonstrate such cosmetic
21 products in conjunction with any sales promotion and shall not
22 be required to hold a license under this Act. Nothing in this
23 Act shall be construed to prohibit the shampooing of hair by
24 persons employed for that purpose and who perform that task
25 under the direct supervision of a licensed cosmetologist or
26 licensed cosmetology teacher.

1 (Source: P.A. 94-451, eff. 12-31-05.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".