



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1424

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 from January 1, 2016 to January 1, 2026. Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides for the licensure of barber stylists and spa technicians. Makes changes in provisions concerning: definitions; licensure renewal and continuing education requirements; display of license; exceptions to the Act; qualifications for licensure; professionals licensed or registered elsewhere; the definition of "cosmetology"; examinations; continuing education; investigations by the Department of Financial and Professional Regulation; the definition of "hair braiding"; the powers and duties of the Department; and disciplinary actions. Requires a 30-day correction period be provided to approved schools found in violation of the Act (now, discretionary). Requires the Attorney General or a state's attorney to open an investigation whenever allegations of certain violations are raised against an approved school. Requires changes in the Board's composition in order to reflect the newly licensed professions. Provides for a salon/barber shop/braiding salon license (rather than a certificate of registration). Makes other changes. Effective immediately.

LRB099 06559 HAF 26632 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 Regulatory Sunset Act is amended by changing
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 ~~The Barber, Cosmetology, Esthetics, Hair Braiding, and~~
14 ~~Nail Technology Act of 1985.~~

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Barber, Cosmetology, Esthetics, Hair Braiding, and
3 Nail Technology Act of 1985.

4 Section 10. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 1-4, 1-7, 1-10, 1-11, 2-4, 2-4a, 2-7, 2A-7,
7 3-1, 3-4, 3-6, 3-7, 3-7.1, 3-8, 3A-3, 3A-5, 3A-6, 3A-7, 3B-2,
8 3B-3, 3B-10, 3B-15, 3C-1, 3C-2, 3C-3, 3C-7, 3C-8, 3C-9, 3D-5,
9 3E-1, 3E-2, 3E-3, 3E-5, 4-1, 4-2, 4-4, 4-7, 4-9, 4-19, and 4-20
10 and the heading of Article III E and by adding Articles IIB and
11 IIIF as follows:

12 (225 ILCS 410/1-4)

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

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

16 "Board" means the Barber, Cosmetology, Esthetics, Hair
17 Braiding, and Nail Technology Board.

18 "Department" means the Department of Financial and
19 Professional Regulation.

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

23 "Licensed cosmetologist" means an individual licensed by
24 the Department to practice cosmetology, nail technology, hair

1 braiding, and esthetics as defined in this Act and whose
2 license is in good standing.

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

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

9 "Licensed barber teacher/instructor" means an individual
10 licensed by the Department to practice barbering as defined in
11 this Act and to provide instruction in the theory and practice
12 of barbering to students in an approved barber school.

13 "Licensed cosmetology, esthetics, and nail technology
14 teacher/instructor" and licensed cosmetologist, esthetician,
15 and nail technician mean ~~means~~ an individual licensed by the
16 Department to practice cosmetology, esthetics, hair braiding,
17 and nail technology as defined in this Act and to provide
18 instruction in the theory and practice of cosmetology,
19 esthetics, and nail technology to students in an approved
20 cosmetology, esthetics, or nail technology school.

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

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

6 "Licensed hair braider" means any individual licensed by
7 the Department to practice hair braiding as defined in Section
8 3E-1 and whose license is in good standing.

9 "Licensed hair braiding teacher/instructor" means an
10 individual licensed by the Department to practice hair braiding
11 and to provide instruction in the theory and practice of hair
12 braiding to students in an approved cosmetology or hair
13 braiding school.

14 "Licensed nail technology teacher/instructor" means an
15 individual licensed by the Department to practice nail
16 technology and to provide instruction in the theory and
17 practice of nail technology to students in an approved nail
18 technology school or cosmetology school.

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

22 Licensed spa technician means an individual licensed by the
23 Department to practice esthetics and nail technology as defined
24 in this Act and whose license is in good standing.

25 Licensed salon/barber shop/braiding salon means a business
26 licensed by the Department to practice barbering, cosmetology,

1 nail technology, esthetics, or hair braiding as defined in this
2 Act and whose license is in good standing.

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

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

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

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

15 "Secretary" means the Secretary of the Department of
16 Financial and Professional Regulation.

17 "Threading" means any technique that results in the removal
18 of superfluous hair from the body by twisting thread around
19 unwanted hair and then pulling it from the skin; and may also
20 include the incidental trimming of eyebrow hair.

21 (Source: P.A. 97-333, eff. 8-12-11; 97-777, eff. 7-13-12;
22 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

23 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

1 (a) It is unlawful for any person to practice, or to hold
2 himself or herself out to be a cosmetologist, esthetician, nail
3 technician, hair braider, ~~or barber,~~ barber stylist, or spa
4 technician without a license as a cosmetologist, esthetician,
5 nail technician, hair braider, ~~or barber,~~ barber stylist, or
6 spa technician issued by the Department of Financial and
7 Professional Regulation pursuant to the provisions of this Act
8 and of the Civil Administrative Code of Illinois. It is also
9 unlawful for any person, firm, partnership, or corporation to
10 own, operate, or conduct a cosmetology, esthetics, nail
11 technology, hair braiding salon, or barber school without a
12 license issued by the Department or to own or operate a
13 cosmetology, esthetics, nail technology, or hair braiding
14 salon or barber shop without a license ~~certificate of~~
15 ~~registration~~ issued by the Department. It is further unlawful
16 for any person to teach or instruct in any cosmetology,
17 esthetics, nail technology, hair braiding, or barber college or
18 school approved by the Department or hold himself or herself
19 out as a cosmetology, esthetics, hair braiding, nail
20 technology, or barber teacher without a license as a
21 teacher/instructor, ~~issued by the Department or as a~~
22 ~~cosmetology clinic teacher without a license as a clinic~~
23 ~~teacher issued by the Department.~~

24 (b) Notwithstanding any other provision of this Act, a
25 person licensed as a cosmetologist may hold himself or herself
26 out as an esthetician or nail technician and may engage in the

1 practice of esthetics and nail technology, as defined in this
2 Act, without being licensed as an esthetician or nail
3 technician. A person licensed as a cosmetology, esthetics, and
4 nail technology teacher/instructor may teach esthetics and
5 nail technology or hold himself or herself out as an esthetics
6 and nail technology teacher/instructor without being licensed
7 as an esthetics or nail technology teacher/instructor. ~~A person~~
8 ~~licensed as a cosmetologist may hold himself or herself out as~~
9 ~~a nail technician and may engage in the practice of nail~~
10 ~~technology, as defined in this Act, without being licensed as a~~
11 ~~nail technician. A person licensed as a cosmetology teacher may~~
12 ~~teach nail technology and hold himself or herself out as a nail~~
13 ~~technology teacher without being licensed as a nail technology~~
14 ~~teacher.~~ A person licensed as a cosmetologist may hold himself
15 or herself out as a hair braider and may engage in the practice
16 of hair braiding, as defined in this Act, without being
17 licensed as a hair braider. A person licensed as a cosmetology,
18 esthetics, and nail technology teacher/instructor may teach
19 hair braiding and hold himself or herself out as a hair
20 braiding teacher without being licensed as a hair braiding
21 teacher/instructor. A person licensed as a barber stylist may
22 hold himself or herself out as a barber or cosmetologist and
23 may engage in the practices of barbering and cosmetology, as
24 defined in this Act, without being licensed as a barber or
25 cosmetologist. A person licensed as a spa technician may hold
26 himself or herself out as a nail technician or esthetician and

1 may engage in the practices of nail technology and esthetics,
2 as defined in this Act, without being licensed as a nail
3 technician or esthetician.

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

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

25 (Source: P.A. 98-911, eff. 1-1-15.)

1 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

3 Sec. 1-10. Display. Every holder of a license shall display
4 it in a place in the holder's principal office, place of
5 business or place of employment. Whenever a licensed
6 cosmetologist, esthetician, nail technician, hair braider, ~~or~~
7 barber, barber stylist, or spa technician practices
8 cosmetology, esthetics, nail technology, hair braiding, or
9 barbering outside of or away from the cosmetologist's,
10 esthetician's, nail technician's, hair braider's, or barber's
11 principal office, place of business, or place of employment,
12 the cosmetologist, esthetician, nail technician, hair braider,
13 ~~or~~ barber, barber stylist, or spa technician shall deliver to
14 each person served a certificate of identification in a form
15 specified by the Department.

16 Every licensed ~~registered~~ shop shall display its license
17 ~~certificate of registration~~ at the location of the shop. Each
18 shop where barber, cosmetology, esthetics, hair braiding, or
19 nail technology services are provided shall have a license
20 ~~certificate of registration~~.

21 (Source: P.A. 96-1246, eff. 1-1-11.)

22 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

24 Sec. 1-11. Exceptions to Act.

25 (a) Nothing in this Act shall be construed to apply to the

1 educational activities conducted in connection with any
2 monthly, annual or other special educational program of any
3 bona fide association of licensed cosmetologists,
4 estheticians, nail technicians, hair braiders, ~~or~~ barbers,
5 barber stylists, or spa technicians or licensed cosmetology,
6 esthetics, nail technology, hair braiding, or barber schools
7 from which the general public is excluded.

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

24 (c) Nothing in this Act shall be deemed to require
25 licensure of individuals employed by the motion picture, film,
26 television, stage play or related industry for the purpose of

1 providing cosmetology or esthetics services to actors of that
2 industry while engaged in the practice of cosmetology or
3 esthetics as a part of that person's employment.

4 (Source: P.A. 95-639, eff. 10-5-07; 96-1246, eff. 1-1-11.)

5 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

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

7 Sec. 2-4. Licensure as a barber teacher/instructor;
8 qualifications. A person is qualified to receive a license as a
9 barber teacher/instructor if that person files an application
10 on forms provided by the Department, pays the required fee,
11 and:

12 a. Is at least 18 years of age;

13 b. Has graduated from high school or its equivalent;

14 c. Has a current license as a barber or cosmetologist;

15 d. Has graduated from a barber school or school of
16 cosmetology approved by the Department having:

17 (1) completed a total of 500 hours in barber
18 teacher/instructor training extending over a period of
19 not less than 3 months nor more than 2 years and has
20 had 3 years of practical experience as a licensed
21 barber;

22 (2) completed a total of 1,000 hours of barber
23 teacher/instructor training extending over a period of
24 not less than 6 months nor more than 2 years; or

25 (3) completed the cosmetology teacher/instructor

1 training as specified in paragraph (4) of subsection
2 (a) of Section 3-4 of this Act and completed a
3 supplemental barbering course as established by rule;
4 ~~and~~

5 e. Has passed an examination authorized by the
6 Department to determine fitness to receive a license as a
7 barber teacher/instructor or a cosmetology
8 teacher/instructor; and

9 f. Has met any other requirements set forth in this
10 Act.

11 An applicant who is issued a license as a barber
12 teacher/instructor ~~Barber Teacher~~ is not required to maintain a
13 barber license in order to practice barbering as defined in
14 this Act.

15 (Source: P.A. 97-777, eff. 7-13-12; 98-911, eff. 1-1-15;
16 revised 11-25-14.)

17 (225 ILCS 410/2-4a) (from Ch. 111, par. 1702-4a)

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

19 Sec. 2-4a. Barbers licensed or registered elsewhere. An
20 applicant who is a barber registered or licensed under the laws
21 of another state or territory of the United States or of a
22 foreign country or province may, without examination, be
23 granted a license as a barber by the Department in its
24 discretion upon filing of an application on forms provided by
25 the Department, paying the required fee, and meeting the

1 following conditions:

2 (a) the applicant is at least 16 years of age; and

3 (b) the requirements for the registration or licensure
4 of barbers in the particular state, territory, country or
5 province were at the date of the license, substantially
6 equivalent to the requirements then in force in this State;
7 or the applicant has established proof of legal practice in
8 another jurisdiction for at least 3 years.

9 The Department shall prescribe reasonable rules and
10 regulations governing the recognition of and the credit to be
11 given to the study of barbering under the laws of another state
12 or territory of the United States or a foreign country or
13 province by an applicant for a license as a barber or barber
14 teacher/instructor, and for the recognition of legal practice
15 in another jurisdiction towards the education required under
16 this Act.

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

18 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

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

20 Sec. 2-7. Examination of applicants. The Department shall
21 hold examinations of applicants for licensure as barbers and
22 teachers/instructors of barbering at such times and places as
23 it may determine. Upon request, the examinations shall be
24 administered in Spanish.

25 Each applicant shall be given a written examination testing

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

8 The examination of applicants for licensure as a barber
9 teacher/instructor shall include: (a) practice of barbering
10 and styling, (b) theory of barbering, (c) methods of teaching,
11 and (d) school management.

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

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

25 (225 ILCS 410/2A-7)

1 (Section scheduled to be repealed on January 1, 2015)

2 Sec. 2A-7. Requirements for licensure as barber school. No
3 person, firm, or corporation may own, operate, or conduct a
4 school or college of barbering for the purpose of teaching
5 barbering for compensation unless licensed by the Department. A
6 licensed school is a postsecondary educational institution
7 authorized by the Department to provide a postsecondary
8 education program in compliance with the requirements of this
9 Act. An applicant shall apply to the Department on forms
10 provided by the Department, pay the required fees, and comply
11 with the following requirements:

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

14 a. A floor plan, drawn to a scale specified on the
15 floor plan, showing every detail of the proposed
16 school; and

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

22 c. (Blank).

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;

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

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

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

9 e. A listing of all teachers/instructors who will
10 be in the school's employ, including their
11 teacher/instructor license numbers;

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

13 g. The names, addresses, and current status of all
14 schools in which the applicant has previously owned any
15 interest, and a declaration as to whether any of these
16 schools were ever denied accreditation or licensing or
17 lost accreditation or licensing from any governmental
18 body or accrediting agency;

19 h. Each application for a certificate of approval
20 shall be signed and certified under oath by the
21 school's chief managing employee and also by its
22 individual owner or owners; if the applicant is a
23 partnership or a corporation, then the application
24 shall be signed and certified under oath by the
25 school's chief managing employee and also by each
26 member of the partnership or each officer of the

1 corporation, as the case may be;

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

3 j. The required fee.

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

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

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

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

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

1 be performed in that language;

2 e. To post in a conspicuous place a statement,
3 developed by the Department, of student's rights
4 provided under this Act.

5 4. The applicant shall establish to the satisfaction of
6 the Department that the owner possesses sufficient liquid
7 assets to meet the prospective expenses of the school for a
8 period of 3 months. In the discretion of the Department,
9 additional proof of financial ability may be required.

10 5. The applicant shall comply with all rules of the
11 Department determining the necessary curriculum and
12 equipment required for the conduct of the school.

13 6. The applicant must demonstrate employment of a
14 sufficient number of qualified teachers who are holders of
15 a current license issued by the Department.

16 7. A final inspection of the barber school shall be
17 made by the Department before the school may commence
18 classes.

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

22 (Source: P.A. 98-238, eff. 1-1-14. Repealed by P.A. 98-911,
23 eff. 1-1-15.)

24 (225 ILCS 410/Art. IIB heading new)

25 ARTICLE IIB. BARBER STYLISTS

1 (225 ILCS 410/2B-1 new)

2 Sec. 2B-1. Barber styling defined. Any one or any
3 combination of the following practices constitutes the
4 practice of barber styling when done for cosmetic or
5 beautifying purposes and not for the treatment of disease or of
6 muscular or nervous disorder: arranging, braiding, dressing,
7 styling, cutting, trimming, curling, marcelling, waving,
8 chemical restructuring, straightening, smoothing, tinting,
9 cleaning, epilating, depilating, shampooing, shaping,
10 singeing, bleaching, coloring, or similar work, upon the hair
11 of the head or any cranial prosthesis; shaving or trimming the
12 beard; cutting or trimming facial hair of any person; any
13 practice of manicuring, pedicuring, decorating nails, applying
14 sculptured nails or otherwise artificial nails by hand or with
15 mechanical or electrical apparatus or appliances, or in any way
16 caring for the nails or the skin of the hands or feet,
17 including massaging the hands, arms, elbows, feet, lower legs,
18 and knees of another person for other than the treatment of
19 medical disorders; any practice of epilation or depilation of
20 any person; any practice for the purpose of cleansing,
21 massaging, or toning the skin of the scalp; beautifying,
22 massaging, cleansing, exfoliating, or stimulating the stratum
23 corneum of the epidermis by the use of cosmetic preparations,
24 body treatments, body wraps, the use of hydrotherapy, or any
25 device, electrical, mechanical, or otherwise; applying make-up

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

23 (225 ILCS 410/2B-2 new)

24 Sec. 2B-2. Licensure as a barber stylist; qualifications. A
25 person is qualified to receive a license as a barber stylist if

1 that person has applied in writing on forms prescribed by the
2 Department, has paid the required fees, and:

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

4 (2) has a certificate of graduation from a school
5 providing secondary education, or the recognized
6 equivalent of such a certificate, or persons who are beyond
7 the age of compulsory school attendance;

8 (3) has (A) graduated from a school of cosmetology
9 approved by the Department, having completed a total of
10 1,800 hours in the study of barber styling extending over a
11 period of not less than 9 months nor more than 3 years
12 (time spent in such study under the laws of another state
13 or territory of the United States or of a foreign country
14 or province shall be credited toward the period of study
15 required by the provisions of this paragraph); or (B)
16 successfully completed a certification course of 300 hours
17 in the study of barber techniques from a school of
18 cosmetology approved by the Department to offer barber
19 styling curricula;

20 (4) has passed an examination caused to be conducted by
21 the Department or its designated testing service to
22 determine fitness to receive a license as a barber stylist;
23 and

24 (5) has met all of the other requirements of this Act.

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

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

1 "cosmetology" does not include the services provided by an
2 electrologist. Nail technology is the practice and the study of
3 cosmetology only to the extent of manicuring, pedicuring,
4 decorating, and applying sculptured or otherwise artificial
5 nails, or in any way caring for the nail or the skin of the
6 hands or feet including massaging the hands, arms, elbows,
7 feet, lower legs, and knees. Cosmetologists are prohibited from
8 using any technique, product, or practice intended to affect
9 the living layers of the skin. The term cosmetology includes
10 rendering advice on what is cosmetically appealing, but no
11 person licensed under this Act shall render advice on what is
12 appropriate medical treatment for diseases of the skin.
13 Purveyors of cosmetics may demonstrate such cosmetic products
14 in conjunction with any sales promotion and shall not be
15 required to hold a license under this Act. Nothing in this Act
16 shall be construed to prohibit the shampooing of hair by
17 persons employed for that purpose and who perform that task
18 under the direct supervision of a licensed cosmetologist or
19 licensed cosmetology teacher.

20 (Source: P.A. 98-911, eff. 1-1-15.)

21 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

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

23 Sec. 3-4. Licensure as cosmetology, esthetics, and nail
24 technology teacher/instructor ~~or cosmetology clinic teacher;~~
25 qualifications.

1 (a) A person is qualified to receive license as a
2 cosmetology, esthetics, and nail technology teacher/instructor
3 if that person has applied in writing on forms provided by the
4 Department, has paid the required fees, 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;

8 (4) has either: (i) completed a program of 500 hours of
9 teacher/instructor training in a licensed school of
10 cosmetology and had 2 years of practical experience as a
11 licensed cosmetologist within 5 years preceding the
12 examination; or (ii) completed a program of 1,000 hours of
13 teacher/instructor training in a licensed school of
14 cosmetology;

15 (5) has passed an examination authorized by the
16 Department to determine eligibility to receive a license as
17 a cosmetology teacher/instructor; and

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

19 An individual who receives a license as a cosmetology,
20 esthetics, and nail technology teacher/instructor shall not be
21 required to maintain an active cosmetology license in order to
22 practice cosmetology as defined in this Act.

23 (b) (Blank). ~~A person is qualified to receive a license as~~
24 ~~a cosmetology clinic teacher if he or she has applied in~~
25 ~~writing on forms provided by the Department, has paid the~~
26 ~~required fees, 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 (i) completed a program of 250 hours of clinic~~
5 ~~teacher training in a licensed school of cosmetology or~~
6 ~~(ii) within 5 years preceding the examination, has obtained~~
7 ~~a minimum of 2 years of practical experience working at~~
8 ~~least 30 full time hours per week as a licensed~~
9 ~~cosmetologist and has completed an instructor's institute~~
10 ~~of 20 hours, as prescribed by the Department, prior to~~
11 ~~submitting an application for examination;~~

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

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

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

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

2 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

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

4 Sec. 3-6. Examination. The Department shall authorize
5 examinations of applicants for licensure as cosmetologists and
6 cosmetology, esthetics, and nail technology
7 teachers/instructors of cosmetology at the times and places it
8 may determine. An applicant may apply for examination when a
9 minimum of 1,300 of the 1,500 total program hours have been
10 completed in a duly licensed and approved school of
11 cosmetology. If an applicant for licensure as a cosmetologist
12 fails to pass 3 examinations conducted by the Department, the
13 applicant shall, before taking a subsequent examination,
14 furnish evidence of not less than 250 hours of additional study
15 of cosmetology in an approved school of cosmetology since the
16 applicant last took the examination. If an applicant for
17 licensure as a cosmetology, esthetics, and nail technology
18 teacher/instructor fails to pass 3 examinations conducted by
19 the Department, the applicant shall, before taking a subsequent
20 examination, furnish evidence of not less than 80 hours of
21 additional study in teaching methodology and educational
22 psychology in an approved school of cosmetology since the
23 applicant last took the examination. An applicant who fails to
24 pass the fourth examination shall not again be admitted to an
25 examination unless: (i) in the case of an applicant for

1 licensure as a cosmetologist, the applicant again takes and
2 completes a program of 1,500 ~~1500~~ hours in the study of
3 cosmetology in an approved school of cosmetology extending over
4 a period that commences after the applicant fails to pass the
5 fourth examination and that is not less than 8 months nor more
6 than 7 consecutive years in duration; (ii) in the case of an
7 applicant for licensure as a cosmetology, esthetics, and nail
8 technology teacher/instructor, the applicant again takes and
9 completes a program of 1,000 ~~1000~~ hours of teacher/instructor
10 training in an approved school of cosmetology, except that if
11 the applicant had 2 years of practical experience as a licensed
12 cosmetologist within the 5 years preceding the initial
13 examination taken by the applicant, the applicant must again
14 take and complete a program of 500 hours of teacher/instructor
15 training in an approved school of cosmetology, esthetics, or
16 nail technology; ~~or (iii) in the case of an applicant for~~
17 ~~licensure as a cosmetology clinic teacher, the applicant again~~
18 ~~takes and completes a program of 250 hours of clinic teacher~~
19 ~~training in a licensed school of cosmetology or an instructor's~~
20 ~~institute of 20 hours.~~ The requirements for remedial training
21 set forth in this Section may be waived in whole or in part by
22 the Department upon proof to the Department that the applicant
23 has demonstrated competence to again sit for the examination.
24 The Department shall adopt rules establishing the standards by
25 which this determination shall be made. Each cosmetology
26 applicant shall be given a written examination testing both

1 theoretical and practical knowledge, which shall include, but
2 not be limited to, questions that determine the applicant's
3 knowledge of product chemistry, sanitary rules, sanitary
4 procedures, chemical service procedures, hazardous chemicals
5 and exposure minimization, knowledge of the anatomy of the
6 skin, scalp, hair, and nails as they relate to applicable
7 services under this Act and labor and compensation laws.

8 The examination of applicants for licensure as a
9 cosmetology, esthetics, and ~~or~~ nail technology
10 teacher/instructor may include all of the elements of the exam
11 for licensure as a cosmetologist, esthetician, or nail
12 technician and also include teaching methodology, classroom
13 management, record keeping, and any other related subjects that
14 the Department in its discretion may deem necessary to insure
15 competent performance.

16 This Act does not prohibit the practice of cosmetology by
17 one who has applied in writing to the Department, in form and
18 substance satisfactory to the Department, for a license as a
19 cosmetologist, or the teaching/instructing of cosmetology by
20 one who has applied in writing to the Department, in form and
21 substance satisfactory to the Department, for a license as a
22 cosmetology, esthetics, and nail technology teacher/instructor
23 ~~or cosmetology clinic teacher,~~ if the person has complied with
24 all the provisions of this Act in order to qualify for a
25 license, except the passing of an examination to be eligible to
26 receive a license, until: (a) the expiration of 6 months after

1 the filing of the written application, (b) the decision of the
2 Department that the applicant has failed to pass an examination
3 within 6 months or failed without an approved excuse to take an
4 examination conducted within 6 months by the Department, or (c)
5 the withdrawal of the application.

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

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

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

9 Sec. 3-7. Licensure; renewal; continuing education;
10 military service. The holder of a license issued under this
11 Article III may renew that license during the month preceding
12 the expiration date thereof by paying the required fee, giving
13 such evidence as the Department may prescribe of completing not
14 less than 14 hours of continuing education for a cosmetologist
15 or barber stylist, and 24 hours of continuing education for a
16 cosmetology, esthetics, and nail technology teacher/instructor
17 ~~or cosmetology clinic teacher~~, within the 2 years prior to
18 renewal. The training shall be in subjects approved by the
19 Department as prescribed by rule upon recommendation of the
20 Board.

21 A license that has been expired for more than 5 years may
22 be restored by payment of the restoration fee and submitting
23 evidence satisfactory to the Department of the current
24 qualifications and fitness of the licensee, which shall include
25 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.

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

25 The Department, in its discretion, may waive enforcement of
26 the continuing education requirement in this Section and shall

1 adopt rules defining the standards and criteria for that waiver
2 under the following circumstances:

3 (a) the licensee resides in a locality where it is
4 demonstrated that the absence of opportunities for such
5 education would interfere with the ability of the licensee
6 to provide service to the public;

7 (b) that to comply with the continuing education
8 requirements would cause a substantial financial hardship
9 on the licensee;

10 (c) that the licensee is serving in the United States
11 Armed Forces; or

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

13 The continuing education requirements of this Section do
14 not apply to a licensee who ~~(i)~~ is at least 62 years of age ~~or~~
15 ~~(ii) has been licensed as a cosmetologist, cosmetology teacher,~~
16 ~~or cosmetology clinic teacher for at least 25 years.~~

17 (Source: P.A. 98-911, eff. 1-1-15.)

18 (225 ILCS 410/3-7.1) (from Ch. 111, par. 1703-7.1)

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

20 Sec. 3-7.1. Inactive Status. Any cosmetologist, barber
21 stylist, or cosmetology teacher/instructor, ~~or cosmetology~~
22 ~~clinic teacher~~ who notifies the Department in writing on forms
23 prescribed by the Department, may elect to place his or her
24 license on an inactive status and shall, subject to rules of
25 the Department, be excused from payment of renewal fees until

1 he or she notifies the Department in writing of his or her
2 desire to resume active status.

3 Any cosmetologist, barber stylist, or cosmetology
4 teacher/instructor, ~~or cosmetology clinic teacher~~ requesting
5 restoration from inactive status shall be required to pay the
6 current renewal fee and to qualify for the restoration of his
7 or her license, subject to rules of the Department. A license
8 shall not be restored from inactive status unless the
9 cosmetologist or, cosmetology teacher/instructor, ~~or~~
10 ~~cosmetology clinic teacher~~ requesting the restoration
11 completes the number of hours of continuing education required
12 for renewal of a license under Section 3-7.

13 Any cosmetologist or ~~or~~ cosmetology teacher/instructor, ~~or~~
14 ~~cosmetology clinic teacher~~ whose license is in an inactive
15 status shall not practice in the State of Illinois.

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

17 (225 ILCS 410/3-8) (from Ch. 111, par. 1703-8)

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

19 Sec. 3-8. Cosmetologists or cosmetology, esthetics, and
20 nail technology teachers/instructors registered or licensed
21 elsewhere.

22 (a) Except as otherwise provided in this Act, upon payment
23 of the required fee, an applicant who is a cosmetologist or
24 cosmetology, esthetics, and nail technology teacher/instructor
25 registered or licensed under the laws of a foreign country or

1 province may be granted a license as a licensed cosmetologist
2 or cosmetology, esthetics, and nail technology
3 teacher/instructor by the Department in its discretion upon the
4 following conditions:

5 (1) The cosmetologist applicant is at least 16 years of
6 age and the cosmetology teacher applicant is at least 18
7 years of age; and

8 (2) The requirements for the registration or licensing
9 of cosmetologists or cosmetology, esthetics, and nail
10 technology teachers/instructors in the particular country
11 or province were, at the date of the license, substantially
12 equivalent to the requirements then in force for
13 cosmetologists or cosmetology, esthetics, and nail
14 technology teachers/instructors in this State; or the
15 applicant has established proof of legal practice as a
16 cosmetologist or cosmetology, esthetics, and nail
17 technology teacher/instructor in another jurisdiction for
18 at least 3 years; and

19 (3) If the Department, in its discretion and in
20 accordance with the rules, deems it necessary, then the
21 applicant has passed an examination as required by this
22 Act; and

23 (4) The applicant has met any other requirements of
24 this Act.

25 The Department shall prescribe reasonable rules governing
26 the recognition of and the credit to be given to the study of

1 cosmetology under a cosmetologist registered or licensed under
2 the laws of a foreign country or province by an applicant for a
3 license as a cosmetologist, and for the recognition of legal
4 practice in another jurisdiction towards the education
5 required under this Act.

6 (b) Except as otherwise provided in this Act, upon payment
7 of the required fee, an applicant who is a cosmetologist or
8 cosmetology, esthetics, and nail technology teacher/instructor
9 registered or licensed under the laws of another state or
10 territory of the United States shall, without examination, be
11 granted a license as a licensed cosmetologist or cosmetology, esthetics, and nail technology teacher/instructor, whichever
12 is applicable, by the Department upon the following conditions:
13

14 (1) The cosmetologist applicant is at least 16 years of
15 age and the cosmetology, esthetics, and nail technology
16 teacher/instructor applicant is at least 18 years of age;
17 and

18 (2) The applicant submits to the Department
19 satisfactory evidence that the applicant is registered or
20 licensed in another state or territory as a cosmetologist
21 or cosmetology, esthetics, and nail technology
22 teacher/instructor; and

23 (3) The applicant has met any other requirements of
24 this Act.

25 (Source: P.A. 98-911, eff. 1-1-15.)

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

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

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

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

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

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

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

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

22 (5) has passed an examination authorized by the
23 Department to determine eligibility to receive a license as
24 a licensed cosmetology or esthetics teacher/instructor;

25 (6) (blank); and

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

1 Act.

2 (b) (Blank).

3 (c) An applicant who is issued a license as an esthetics
4 teacher is not required to maintain an esthetics license in
5 order to practice as an esthetician as defined in this Act.

6 (Source: P.A. 98-911, eff. 1-1-15.)

7 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

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

9 Sec. 3A-5. Examination.

10 (a) The Department shall authorize examinations of
11 applicants for a license as an esthetician or
12 teacher/instructor of esthetics at such times and places as it
13 may determine. The Department shall authorize no fewer than 4
14 examinations for a license as an esthetician or a
15 teacher/instructor of esthetics in a calendar year.

16 If an applicant neglects, fails without an approved excuse,
17 or refuses to take the next available examination offered for
18 licensure under this Act, the fee paid by the applicant shall
19 be forfeited to the Department and the application denied. If
20 an applicant fails to pass an examination for licensure under
21 this Act within 3 years after filing his or her application,
22 the application shall be denied. However, such applicant may
23 thereafter make a new application for examination, accompanied
24 by the required fee, if he or she meets the requirements in
25 effect at the time of reapplication. If an applicant for

1 licensure as an esthetician is unsuccessful at 3 examinations
2 conducted by the Department, the applicant shall, before taking
3 a subsequent examination, furnish evidence of not less than 125
4 hours of additional study of esthetics in an approved school of
5 cosmetology or esthetics since the applicant last took the
6 examination. If an applicant for licensure as an esthetics
7 teacher/instructor is unsuccessful at 3 examinations conducted
8 by the Department, the applicant shall, before taking a
9 subsequent examination, furnish evidence of not less than 80
10 hours of additional study in teaching methodology and
11 educational psychology in a licensed school of cosmetology or
12 esthetics since the applicant last took the examination. An
13 applicant who fails to pass a fourth examination shall not
14 again be admitted to an examination unless (i) in the case of
15 an applicant for licensure as an esthetician, the applicant
16 shall again take and complete a program of 750 hours in the
17 study of esthetics in a licensed school of cosmetology approved
18 to teach esthetics or a school of esthetics, extending over a
19 period that commences after the applicant fails to pass the
20 fourth examination and that is not less than 18 weeks nor more
21 than 4 consecutive years in duration; or (ii) in the case of an
22 applicant for a license as an esthetics teacher/instructor, the
23 applicant shall again take and complete a program of 750 hours
24 of teacher/instructor training in a school of cosmetology
25 approved to teach esthetics or a school of esthetics, except
26 that if the applicant had 2 years of practical experience as a

1 licensed cosmetologist or esthetician within 5 years preceding
2 the initial examination taken by the applicant, the applicant
3 must again take and complete a program of 500 hours of
4 teacher/instructor training in licensed cosmetology or a
5 licensed esthetics school.

6 (b) Each applicant shall be given a written examination
7 testing both theoretical and practical knowledge which shall
8 include, but not be limited to, questions that determine the
9 applicant's knowledge, as provided by rule.

10 (c) The examination of applicants for licensure as an
11 esthetics teacher/instructor may include:

12 (1) teaching methodology;

13 (2) classroom management; and

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

17 (d) This Act does not prohibit the practice of esthetics by
18 one who has applied in writing to the Department, in form and
19 substance satisfactory to the Department, for a license as an
20 esthetician or an esthetics teacher/instructor and has
21 complied with all the provisions of this Act in order to
22 qualify for a license, except the passing of an examination to
23 be eligible to receive such license certificate, until: (i) the
24 expiration of 6 months after the filing of such written
25 application, or (ii) the decision of the Department that the
26 applicant has failed to pass an examination within 6 months or

1 failed without an approved excuse to take an examination
2 conducted within 6 months by the Department, or (iii) the
3 withdrawal of the application.

4 (Source: P.A. 98-911, eff. 1-1-15.)

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

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

7 Sec. 3A-6. Licensure; renewal; continuing education;
8 examination; military service. The holder of a license issued
9 under this Article may renew such license during the month
10 preceding the expiration date thereof by paying the required
11 fee, giving evidence the Department may prescribe of completing
12 not less than 10 hours for estheticians and spa technicians,
13 and not less than 20 hours of continuing education for
14 esthetics teachers/instructors, within the 2 years prior to
15 renewal. The training shall be in subjects, approved by the
16 Department as prescribed by rule upon recommendation of the
17 Board.

18 A license that has expired or been placed on inactive
19 status may be restored only by payment of the restoration fee
20 and submitting evidence satisfactory to the Department of the
21 current qualifications and fitness of the licensee including
22 the completion of continuing education hours for the period
23 following expiration.

24 A license issued under the provisions of this Act that has
25 expired while the holder of the license was engaged (1) in

1 federal service on active duty with the Army of the United
2 States, the United States Navy, the Marine Corps, the Air
3 Force, the Coast Guard, or any Women's Auxiliary thereof, or
4 the State Militia called into the service or training of the
5 United States of America, or (2) in training or education under
6 the supervision of the United States preliminary to induction
7 into the military service, may be reinstated or restored
8 without the payment of any lapsed renewal fees, reinstatement
9 fee, or restoration fee if within 2 years after the termination
10 of such service, training, or education other than by
11 dishonorable discharge, the holder furnishes the Department
12 with an affidavit to the effect that he or she has been so
13 engaged and that his or her service, training, or education has
14 been so terminated.

15 The Department, in its discretion, may waive enforcement of
16 the continuing education requirement in this Section, and shall
17 adopt rules defining the standards and criteria for such
18 waiver, under the following circumstances:

19 (1) the licensee resides in a locality where it is
20 demonstrated that the absence of opportunities for such
21 education would interfere with the ability of the licensee
22 to provide service to the public;

23 (2) the licensee's compliance with the continuing
24 education requirements would cause a substantial financial
25 hardship on the licensee;

26 (3) the licensee is serving in the United States Armed

1 Forces; or

2 (4) the licensee is incapacitated due to illness.

3 (Source: P.A. 98-911, eff. 1-1-15.)

4 (225 ILCS 410/3A-7) (from Ch. 111, par. 1703A-7)

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

6 Sec. 3A-7. Estheticians or spa technicians licensed
7 elsewhere. Upon payment of the required fee, an applicant who
8 is an esthetician registered or licensed under the laws of
9 another state or territory of the United States or of a foreign
10 country or province may, without examination, be granted a
11 license as a licensed esthetician by the Department in its
12 discretion upon the following conditions:

13 (a) In the case of an esthetician or spa technician
14 registered or licensed elsewhere,

15 (1) The applicant is at least 16 years of age; and

16 (2) The requirements for the registration or licensing
17 of estheticians or spa technicians in the particular state,
18 territory, country, or province were at the date of the
19 license substantially equivalent to the requirements then
20 in force in this State.

21 (b) In the case of an esthetics teacher/instructor
22 registered or licensed elsewhere,

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

24 (2) The requirements for the registration or licensing
25 of esthetics teachers/instructors in the particular state,

1 territory, country, or province were at the date of the
2 license substantially equivalent to the requirements then
3 in force in this State; or the applicant has established
4 proof of legal practice as an esthetics teacher/instructor
5 in another jurisdiction for at least 3 years.

6 If the Department, in its discretion and in accordance with
7 the rules, deems it necessary, an applicant registered or
8 licensed under the laws of a foreign country or province may be
9 required to pass an examination as required by this Act.

10 An applicant who has been licensed to practice esthetics in
11 another state may receive credit of at least 300 hours for each
12 year of experience toward the education required under this
13 Act.

14 (Source: P.A. 98-911, eff. 1-1-15.)

15 (225 ILCS 410/3B-2) (from Ch. 111, par. 1703B-2)

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

17 Sec. 3B-2. Investigations by Department upon its own motion
18 or upon verified complaint; opportunity for corrections. The
19 Department may upon its own motion and shall upon the verified
20 complaint in writing of any person setting forth facts which if
21 proved would constitute grounds for refusal or revocation under
22 this Act, investigate the actions of any applicant or any
23 person or persons holding or claiming to hold a license.

24 Any student or employee of a school approved by this Act
25 who believes he has been aggrieved by a violation of this Act

1 shall have the right to file a written complaint within one
2 year of the alleged violation. The Department shall acknowledge
3 receipt of such written complaint, commence an investigation of
4 the alleged violation, and forward to the Attorney General and
5 any appropriate State's Attorney's office copies of complaints
6 as required by Section 3B-3. The Department shall forward a
7 copy of the formal complaint and order to the person who filed
8 the complaint and to the chief operating officer of the school
9 cited in the complaint.

10 However, before proceeding to a hearing on the question of
11 whether a license shall be refused or revoked, the Department
12 shall ~~may~~ issue a letter granting the school in question 30
13 days to correct the deficiency or deficiencies. The letter
14 shall enumerate the deficiencies and state the action on the
15 part of the school that will remediate the deficiency or
16 deficiencies. During the time designated to remedy
17 deficiencies the Department may order the school to cease and
18 desist from all marketing and student enrollment activities.

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

20 (225 ILCS 410/3B-3) (from Ch. 111, par. 1703B-3)

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

22 Sec. 3B-3. (a) The following acts or omissions by an owner,
23 operator or authorized agent of a school shall constitute
24 violations of this Act and unlawful practices pursuant to the
25 "Consumer Fraud and Deceptive Business Practices Act", as now

1 or hereafter amended:

2 1. False or misleading statements, misrepresentations or
3 false promises which have the tendency or capacity to influence
4 or induce persons to enroll in the course of instruction
5 offered by such school.

6 2. Failure or refusal of the school to make the disclosures
7 in the enrollment agreement required by this Act; or the making
8 of false or inaccurate statements in such disclosures.

9 3. Failure or refusal of the school to refund fees and
10 unearned tuition, in accordance with the refund policy
11 prescribed by this Act, to any student who cancels his
12 enrollment agreement.

13 4. Failure or refusal of the school to employ course
14 instructors certified by the Department and to provide the
15 equipment, facilities or services necessary to implement the
16 course of instruction.

17 (b) Whenever the Attorney General or a state's attorney
18 receives a complaint against a school which alleges one or more
19 of the violations enumerated in subsection (a), he shall ~~may~~
20 conduct an investigation to determine the validity of such
21 complaint and, if a violation or violations are found, may use
22 any or all of the remedies, penalties or authority granted to
23 him by the "Consumer Fraud and Deceptive Business Practices
24 Act" to correct such violations and enforce the provisions of
25 this Act. Within 10 business days of receipt, the Department
26 shall transmit to the Attorney General and the appropriate

1 state's attorney copies of complaints filed in its office which
2 allege one or more of the violations enumerated in subsection
3 (a).

4 (Source: P.A. 85-1382.)

5 (225 ILCS 410/3B-10)

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

7 Sec. 3B-10. Requisites for ownership or operation of
8 school. No person, firm, or corporation may own, operate, or
9 conduct a school of barbering, cosmetology, esthetics, hair
10 braiding, or nail technology for the purpose of teaching
11 barbering, cosmetology, esthetics, hair braiding, or nail
12 technology for compensation unless licensed by the Department.
13 A licensed school is a postsecondary educational institution
14 authorized by the Department to provide a postsecondary
15 education program in compliance with the requirements of this
16 Act. An applicant shall apply to the Department on forms
17 provided by the Department, pay the required fees, and comply
18 with the following requirements:

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

21 a. A floor plan, drawn to a scale specified on the
22 floor plan, showing every detail of the proposed
23 school; and

24 b. A lease commitment or proof of ownership for the
25 location of the proposed school; a lease commitment

1 must provide for execution of the lease upon the
2 Department's approval of the school's application and
3 the lease must be for a period of at least one year.

4 c. (Blank).

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

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

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

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

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

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

1 body or accrediting agency;

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

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

12 j. The required fee.

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

15 a. To conduct the school in accordance with this
16 Act and the standards, and rules from time to time
17 adopted under this Act and to meet standards and
18 requirements at least as stringent as those required by
19 Part H of the Federal Higher Education Act of 1965.

20 b. To permit the Department to inspect the school
21 or classes thereof from time to time with or without
22 notice; and to make available to the Department, at any
23 time when required to do so, information including
24 financial information pertaining to the activities of
25 the school required for the administration of this Act
26 and the standards and rules adopted under this Act;

1 c. To utilize only advertising and solicitation
2 which is free from misrepresentation, deception,
3 fraud, or other misleading or unfair trade practices;

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

11 e. To post in a conspicuous place a statement,
12 developed by the Department, of student's rights
13 provided under this Act.

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

19 5. The applicant shall comply with all rules of the
20 Department determining the necessary curriculum and
21 equipment required for the conduct of the school.

22 6. The applicant must demonstrate employment of a
23 sufficient number of qualified teachers who are holders of
24 a current license issued by the Department.

25 7. A final inspection of the barber, cosmetology,
26 esthetics, hair braiding, or nail technology school shall

1 be made by the Department before the school may commence
2 classes.

3 8. A written inspection report must be made by the
4 State Fire Marshal or a local fire authority approving the
5 use of the proposed premises as a barber, cosmetology,
6 esthetics, hair braiding, or nail technology school.

7 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

8 (225 ILCS 410/3B-15)

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

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 disciplinary
14 or non-disciplinary action that the Department may deem proper,
15 including the imposition of fines not to exceed \$5,000 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
19 any standard or rule established under this Act.

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

23 (3) Violation of any commitment made in an application
24 for a license, including failure to maintain standards that
25 are the same as, or substantially equivalent to, those

1 represented in the school's applications and advertising.

2 (4) Presenting to prospective students information
3 relating to the school, or to employment opportunities or
4 opportunities for enrollment in institutions of higher
5 learning after entering into or completing courses offered
6 by the school, that is false, misleading, or fraudulent.

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

10 (6) Failure to maintain financial resources adequate
11 for the satisfactory conduct of the courses of instruction
12 offered or to retain a sufficient and qualified
13 instructional and administrative staff.

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

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

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

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

26 (11) Conduct of business or instructional services

1 other than at locations approved by the Department.

2 (12) Failure to make all of the disclosures or making
3 inaccurate disclosures to the Department or in the
4 enrollment agreement as required under this Act.

5 (13) Failure to make appropriate refunds as required by
6 this Act.

7 (14) Denial, loss, or withdrawal of accreditation by
8 any accrediting agency.

9 (15) During any calendar year, having a failure rate of
10 25% or greater for those of its students who for the first
11 time take the examination authorized by the Department to
12 determine fitness to receive a license as a barber, barber
13 teacher, cosmetologist, cosmetology teacher/instructor,
14 esthetician, esthetician teacher/instructor, hair braider,
15 hair braiding teacher/instructor, nail technician, or nail
16 technology teacher/instructor, provided that a student who
17 transfers into the school having completed 50% or more of
18 the required program and who takes the examination during
19 that calendar year shall not be counted for purposes of
20 determining the school's failure rate on an examination,
21 without regard to whether that transfer student passes or
22 fails the examination.

23 (16) Failure to maintain a written record indicating
24 the funds received per student and funds paid out per
25 student. Such records shall be maintained for a minimum of
26 7 years and shall be made available to the Department upon

1 request. Such records shall identify the funding source and
2 amount for any student who has enrolled as well as any
3 other item set forth by rule.

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

6 (Source: P.A. 98-911, eff. 1-1-15.)

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

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

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

16 However, nail technicians are prohibited from using
17 techniques, products, and practices intended to affect the
18 living layers of the skin. The term nail technician includes
19 rendering advice on what is cosmetically appealing, but no
20 person licensed under this Act shall render advice on what is
21 appropriate medical treatment for diseases of the nails or
22 skin.

23 "Nail technician teacher/instructor" means an individual
24 licensed by the Department to provide instruction in the theory
25 and practice of nail technology to students in an approved nail

1 technology school.

2 (Source: P.A. 98-911, eff. 1-1-15.)

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

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

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 or the recognized equivalent of that
13 certificate;

14 (c) Has graduated from a school of cosmetology or
15 school of nail technology approved by the Department,
16 having completed a program of 600 ~~350~~ hours in the study of
17 nail technology extending over a period of not less than 16
18 ~~8~~ weeks nor more than 2 consecutive years;

19 (d) Has passed an examination authorized by the
20 Department to determine eligibility to receive a license as
21 a nail technician; and

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

23 Time spent in the study of nail technology under the laws
24 of another state or territory of the United States, or of a
25 foreign country or province, shall be credited toward the

1 period of study required by the provisions of subsection (c).

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

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

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

5 Sec. 3C-3. Licensure as a nail technology
6 teacher/instructor; qualifications.

7 (a) A person is qualified to receive a license as a nail
8 technology teacher/instructor if that person has filed an
9 application on forms provided by the Department, paid the
10 required fee, and:

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

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

13 (3) has a current license as a cosmetologist or nail
14 technician;

15 (4) has either: (1) completed a program of 500 hours of
16 teacher/instructor training in a licensed school of nail
17 technology or cosmetology, and had 2 years of practical
18 experience as a nail technician; or (2) has completed a
19 program of 625 hours of teacher/instructor training in a
20 licensed school of cosmetology approved to teach nail
21 technology or school of nail technology; and

22 (5) who has passed an examination authorized by the
23 Department to determine eligibility to receive a license as
24 a cosmetology, esthetics, and nail technology teacher/
25 instructor or nail technology teacher/instructor.

1 (b) An applicant who receives a license as a nail
2 technology teacher shall not be required to maintain a license
3 as a nail technician.

4 (Source: P.A. 98-911, eff. 1-1-15.)

5 (225 ILCS 410/3C-7) (from Ch. 111, par. 1703C-7)

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

7 Sec. 3C-7. Examinations; failure or refusal to take
8 examination. The Department shall authorize examinations of
9 applicants for licenses as nail technicians and
10 teachers/instructors of nail technology at the times and places
11 as it may determine.

12 The Department shall authorize not less than 4 examinations
13 for licenses as nail technicians, and nail technology
14 teachers/instructors in a calendar year.

15 If an applicant neglects, fails without an approved excuse,
16 or refuses to take the next available examination offered for
17 licensure under this Act, the fee paid by the applicant shall
18 be forfeited to the Department and the application denied. If
19 an applicant fails to pass an examination for licensure under
20 this Act within 3 years after filing an application, the
21 application shall be denied. Nevertheless, the applicant may
22 thereafter make a new application for examination, accompanied
23 by the required fee, if he or she meets the requirements in
24 effect at the time of reapplication. If an applicant for
25 licensure as a nail technician or nail technology

1 teacher/instructor is unsuccessful at 3 examinations conducted
2 by the Department, the applicant shall, before taking a
3 subsequent examination, furnish evidence of successfully
4 completing (i) for a nail technician, not less than 60 hours of
5 additional study of nail technology in a licensed school of
6 cosmetology approved to teach nail technology or nail
7 technology and (ii) for a nail technology teacher/instructor,
8 not less than 80 hours of additional study in teaching
9 methodology and educational psychology in an approved school of
10 cosmetology or nail technology since the applicant last took
11 the examination.

12 An applicant who fails the fourth examination shall not
13 again be admitted to an examination unless: (i) in the case of
14 an applicant for a license as a nail technician, the applicant
15 again takes and completes a total of 600 ~~350~~ hours in the study
16 of nail technology in an approved school of cosmetology or nail
17 technology extending over a period that commences after the
18 applicant fails to pass the fourth examination and that is not
19 less than 8 weeks nor more than 2 consecutive years in
20 duration; or (ii) in the case of an applicant for licensure as
21 a nail technology teacher/instructor, the applicant again
22 takes and completes a program of 625 hours of
23 teacher/instructor training in a licensed school of
24 cosmetology, or nail technology, except that if the applicant
25 had 2 years of practical experience as a licensed nail
26 technician within 5 years preceding the initial examination

1 taken by the applicant, the applicant must again take and
2 complete a program of 500 hours of teacher training in a
3 licensed school of cosmetology approved to teach nail
4 technology, or a licensed school of nail technology.

5 Each applicant for licensure as a nail technician shall be
6 given a written examination testing both theoretical and
7 practical knowledge, which shall include, but not be limited
8 to, questions that determine the applicant's knowledge of
9 product chemistry, sanitary rules, sanitary procedures,
10 hazardous chemicals and exposure minimization, this Act, and
11 labor and compensation laws.

12 The examination for licensure as a nail technology
13 teacher/instructor may include knowledge of the subject
14 matter, teaching methodology, classroom management, record
15 keeping, and any other subjects that the Department in its
16 discretion may deem necessary to insure competent performance.

17 This Act does not prohibit the practice of nail technology
18 by a person who has applied in writing to the Department, in
19 form and substance satisfactory to the Department, for a
20 license as a nail technician, or the teaching of nail
21 technology by one who has applied in writing to the Department,
22 in form and substance satisfactory to the Department, for a
23 license as a nail technology teacher/instructor, if the person
24 has complied with all the provisions of this Act in order to
25 qualify for a license, except the passing of an examination to
26 be eligible to receive a license, until: (a) the expiration of

1 6 months after the filing of the written application, or (b)
2 the decision of the Department that the applicant has failed to
3 pass an examination within 6 months or failed without an
4 approved excuse to take an examination conducted within 6
5 months by the Department, or (c) the withdrawal of the
6 application.

7 (Source: P.A. 98-911, eff. 1-1-15.)

8 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

10 Sec. 3C-8. License renewal; expiration; continuing
11 education; persons in military service. The holder of a license
12 issued under this Article may renew that license during the
13 month preceding the expiration date of the license by paying
14 the required fee and giving evidence, as the Department may
15 prescribe, of completing not less than 10 hours of continuing
16 education for a nail technician and 20 hours of continuing
17 education for a nail technology teacher/instructor, within the
18 2 years prior to renewal. The continuing education shall be in
19 subjects approved by the Department upon recommendation of the
20 Barber, Cosmetology, Esthetics, Hair Braiding, and Nail
21 Technology Board relating to the practice of nail technology,
22 including, but not limited to, review of sanitary procedures,
23 review of chemical service procedures, review of this Act, and
24 review of the Workers' Compensation Act. However, at least 10
25 of the hours of continuing education required for a nail

1 technology teacher/instructor shall be in subjects relating to
2 teaching methodology, educational psychology, and classroom
3 management or in other subjects related to teaching.

4 A license that has been expired or placed on inactive
5 status may be restored only by payment of the restoration fee
6 and submitting evidence satisfactory to the Department of the
7 meeting of current qualifications and fitness of the licensee,
8 including the completion of continuing education hours for the
9 period subsequent to expiration.

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

25 The Department, in its discretion, may waive enforcement of
26 the continuing education requirement in this Section, and shall

1 adopt rules defining the standards and criteria for such
2 waiver, under the following circumstances:

3 (a) the licensee resides in a locality where it is
4 demonstrated that the absence of opportunities for such
5 education would interfere with the ability of the licensee to
6 provide service to the public;

7 (b) the licensee's compliance with the continuing
8 education requirements would cause a substantial financial
9 hardship on the licensee;

10 (c) the licensee is serving in the United States Armed
11 Forces; or

12 (d) the licensee is incapacitated due to illness.

13 (Source: P.A. 98-911, eff. 1-1-15.)

14 (225 ILCS 410/3C-9) (from Ch. 111, par. 1703C-9)

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

16 Sec. 3C-9. Nail technicians or nail technology teachers
17 licensed elsewhere. Upon payment of the required fee, an
18 applicant who is a nail technician or nail technology teacher
19 registered or licensed under the laws of another state or
20 territory of the United States or of a foreign country or
21 province may be granted a license as a nail technician or nail
22 technician teacher by the Department in its discretion upon the
23 following conditions:

24 (a) For a nail technologist registered or licensed
25 elsewhere:

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

2 (1.5) the applicant has passed an examination
3 authorized by the Department to determine eligibility to
4 receive a license as a nail technician; and

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

16 (b) For a nail technology teacher/instructor licensed or
17 registered elsewhere:

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

19 (1.5) the applicant has passed an examination
20 authorized by the Department to determine eligibility to
21 receive a license as a nail technology teacher; and

22 (2) the requirements for the licensing of nail
23 technology teachers/instructors in the other jurisdiction
24 were, at the date of licensure, substantially equivalent to
25 the requirements then in force in this State; or the
26 applicant has established proof of legal practice as a nail

1 technology teacher/instructor in another jurisdiction for
2 at least 3 years.

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

7 (Source: P.A. 98-911, eff. 1-1-15.)

8 (225 ILCS 410/3D-5)

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

10 Sec. 3D-5. Requisites for ownership or operation of
11 cosmetology, esthetics, hair braiding, and nail technology
12 salons and barber shops.

13 (a) No person (including those professionals considered
14 booth renters or independent contractors), firm, partnership,
15 limited liability company, or corporation shall own or operate
16 a cosmetology, esthetics, hair braiding, or nail technology
17 salon or barber shop or employ, rent space to, or independently
18 contract with any licensee under this Act without applying on
19 forms provided by the Department for a salon/barber
20 shop/braiding salon license ~~for a certificate of registration.~~

21 (b) The application for a license ~~certificate~~ of
22 ~~registration~~ under this Section shall set forth the name,
23 address, and telephone number of the proposed cosmetology,
24 esthetics, hair braiding, or nail technology salon or barber
25 shop; the name, address, and telephone number of the person,

1 firm, partnership, or corporation that is to own or operate the
2 salon or shop; and, if the salon or shop is to be owned or
3 operated by an entity other than an individual, the name,
4 address, and telephone number of the managing partner or the
5 chief executive officer of the corporation or other entity that
6 owns or operates the salon or shop.

7 (c) The Department shall be notified by the owner or
8 operator of a salon or shop that is moved to a new location. If
9 there is a change in the ownership or operation of a salon or
10 shop, the new owner or operator shall report that change to the
11 Department along with completion of any additional
12 requirements set forth by rule.

13 (d) If a person, firm, partnership, limited liability
14 company, or corporation owns or operates more than one shop or
15 salon, a separate license ~~certificate of registration~~ must be
16 obtained for each salon or shop.

17 (e) A license ~~certificate of registration~~ granted under
18 this Section may be revoked in accordance with the provisions
19 of Article IV and the holder of the license ~~certificate~~ may be
20 otherwise disciplined by the Department in accordance with
21 rules adopted under this Act.

22 (f) The Department may promulgate rules to establish
23 additional requirements for owning or operating a salon or
24 shop.

25 (Source: P.A. 96-1246, eff. 1-1-11.)

1 (225 ILCS 410/Art. IIIIE heading)

2 ARTICLE IIIIE. HAIR BRAIDING AND HAIR BRAIDING

3 TEACHERS/INSTRUCTORS

4 (Source: P.A. 96-1246, eff. 1-1-11.)

5 (225 ILCS 410/3E-1)

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

7 Sec. 3E-1. Hair braiding defined. "Hair braiding" means a
8 natural form of hair manipulation by braiding, cornrowing,
9 extending, lacing, locking, sewing, twisting, weaving, or
10 wrapping human hair, natural fibers, synthetic fibers, and hair
11 extensions. Such practice can be performed by hand or by using
12 simple braiding devices including clips, combs, hairpins,
13 scissors, needles and thread. Hair braiding includes what is
14 commonly known as "African-style hair braiding" or "natural
15 hair care", but is not limited to any particular cultural,
16 ethnic, racial, or religious form of hair style. Hair braiding
17 includes the making of customized wigs from natural hair,
18 natural fibers, synthetic fibers, and hair extensions. Hair
19 braiding does not involve the use of penetrating chemical hair
20 treatments, chemical hair coloring agents, chemical hair
21 straightening agents, chemical smoothing agents, chemical hair
22 joining agents, permanent wave styles, or chemical hair
23 bleaching agents applied to growing human hair. Hair braiding
24 does not include the cutting or growing of human hair, but may
25 include the trimming of hair extensions or sewn weave-in

1 extensions only as applicable to the braiding process.

2 (Source: P.A. 96-1246, eff. 1-1-11.)

3 (225 ILCS 410/3E-2)

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

5 Sec. 3E-2. Hair braider licensure; qualifications.

6 (a) A person is qualified to receive a license as a hair
7 braider if he or she has filed an application on forms provided
8 by the Department, paid the required fees, and meets the
9 following qualifications:

10 (1) Is at least 16 years of age;

11 (2) Is beyond the age of compulsory school attendance
12 or has received a certificate of graduation from a school
13 providing secondary education, or the recognized
14 equivalent of that certificate; and

15 (3) Has completed a program consisting of a minimum of
16 300 clock hours or a 10 credit hour equivalency of
17 instruction, as defined by rule, in a licensed cosmetology
18 school teaching a hair braiding curriculum or in a licensed
19 hair braiding school as follows:

20 (A) Basic training consisting of 35 hours of
21 classroom instruction in general theory, practical
22 application, and technical application in the
23 following subject areas: history of hair braiding,
24 personal hygiene and public health, professional
25 ethics, disinfection and sanitation, bacteriology,

1 disorders and diseases of the hair and scalp, OSHA
2 standards relating to material safety data sheets
3 (MSDS) on chemicals, hair analysis and scalp care, and
4 technical procedures;

5 (B) Related concepts consisting of 35 hours of
6 classroom instruction in the following subject areas:
7 Braid removal and scalp care; basic styling knowledge;
8 tools and equipment; growth patterns, styles and
9 sectioning; client consultation and face shapes; and
10 client education, pre-care, post-care, home care and
11 follow-up services;

12 (C) Practices and procedures consisting of 200
13 hours of instruction, which shall be a combination of
14 classroom instruction and clinical practical
15 application, in the following subject areas: single
16 braids with and without extensions; cornrows with and
17 without extensions; twists and knots; multiple
18 strands; hair locking; weaving/sewn-in; other
19 procedures as they relate to hair-braiding; and
20 product knowledge as it relates to hair braiding; and

21 (D) Business practices consisting of 30 hours of
22 classroom instruction in the following subject areas:
23 Illinois Barber, Cosmetology, Esthetics, Hair
24 Braiding, and Nail Technology Act of 1985 and Rules;
25 salon management; human relations and salesmanship;
26 and Workers' Compensation Act.

1 (b) The expiration date and renewal period for each license
2 issued under this Act shall be set by rule.

3 ~~(c) Within 2 years after the effective date of this~~
4 ~~amendatory Act of the 96th General Assembly, the Department may~~
5 ~~issue a hair braider license to any applicant who does not meet~~
6 ~~the requirements of items (2) and (3) of subsection (a) of this~~
7 ~~Section if the applicant: (1) files an application in~~
8 ~~accordance with subsection (a), (2) pays the required fee, (3)~~
9 ~~has not committed an offense that would be grounds for~~
10 ~~discipline under this Act, and (4) is able to demonstrate to~~
11 ~~the Department through tax records or affidavits that he or she~~
12 ~~has practiced hair braiding for at least 2 consecutive years~~
13 ~~immediately prior to the date of his or her application.~~

14 ~~A hair braider who obtains his or her license under this~~
15 ~~subsection (c) may renew his or her license if he or she~~
16 ~~applies to the Department for renewal and has completed at~~
17 ~~least 65 hours of relevant training in health, safety, hygiene,~~
18 ~~and business management in accordance with the requirements of~~
19 ~~this Section or any rule adopted pursuant to this Section. A~~
20 ~~hair braider who renews his or her license under this~~
21 ~~subsection (c) may thereafter only renew his or her license if~~
22 ~~he or she meets the requirements of Section 3E-5 of this Act.~~

23 (Source: P.A. 96-1246, eff. 1-1-11; 97-333, eff. 8-12-11.)

24 (225 ILCS 410/3E-3)

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

1 Sec. 3E-3. Hair braiding teacher/instructor licensure. A
2 hair braiding teacher/instructor license shall be made
3 available by the Department. The qualifications for a hair
4 braiding teacher license shall be provided by rule, and shall
5 include at least 600 clock hours or a 20 credit hour
6 equivalency in relevant teaching methods and curriculum
7 content, or at least 500 clock hours of hair braiding
8 teacher/instructor training for an individual who is able to
9 establish that he or she has had at least 2 years of practical
10 experience.

11 (Source: P.A. 96-1246, eff. 1-1-11.)

12 (225 ILCS 410/3E-5)

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

14 Sec. 3E-5. License renewal. To renew a license issued under
15 this Article, an individual must produce proof of successful
16 completion of 10 hours of continuing education for a hair
17 braider license and 20 hours of continuing education for a hair
18 braiding teacher/instructor license.

19 A license that has been expired for more than 5 years may
20 be restored by payment of the restoration fee and submitting
21 evidence satisfactory to the Department of the current
22 qualifications and fitness of the licensee, which shall include
23 completion of continuing education hours for the period
24 subsequent to expiration. The Department may establish
25 additional rules for the administration of this Section and

1 other requirements for the renewal of a hair braider or hair
2 braiding teacher/instructor license issued under this Act.

3 (Source: P.A. 96-1246, eff. 1-1-11.)

4 (225 ILCS 410/Art. IIIIF heading new)

5 ARTICLE IIIIF. SPA TECHNICIAN

6 (225 ILCS 410/3F-1 new)

7 Sec. 3F-1. Definitions. As used in this Article:

8 Spa technology means any one or combination of the
9 following practices, when done for cosmetic or beautifying
10 purposes and not for the treatment of disease or of a muscular
11 or nervous disorder:

12 (1) beautifying, massaging, cleansing, exfoliating, or
13 stimulating the stratum corneum of the epidermis by the use
14 of cosmetic preparations, body treatments, body wraps,
15 hydrotherapy, or any device, electrical, mechanical, or
16 otherwise, for the care of the skin;

17 (2) applying make-up or eyelashes to any person or
18 lightening hair on the body except the scalp;

19 (3) removing superfluous hair from the body of any
20 person; and

21 (4) manicuring, pedicuring, or decorating nails,
22 applying artificial applications by hand or with
23 mechanical or electrical apparatus or appliances, or in any
24 way beautifying the nails or the skin of the hands or feet

1 including massaging the hands, arms, elbows, feet, lower
2 legs, and knees of another person for other than the
3 treatment of medical disorders.

4 Spa technology does not include the services provided by a
5 cosmetologist, barber stylist, or electrologist. Spa
6 technicians are prohibited from using techniques, products,
7 and practices intended to affect the living layers of the skin.
8 Spa technology includes rendering advice on what is
9 cosmetically appealing, but no person licensed under this Act
10 shall render advice on what is appropriate medical treatment
11 for diseases of the nails or the skin.

12 Spa technician means any person who, with hands or
13 mechanical or electrical apparatus or appliances, engages only
14 in the use of cosmetic preparations, body treatments, body
15 wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,
16 creams, or other preparations or in the practice of massaging,
17 cleansing, exfoliating the stratum corneum of the epidermis,
18 stimulating, manipulating, beautifying, grooming, threading,
19 or similar work on the face, neck, arms, hands, or body in a
20 superficial mode; and manicures, pedicures, decorates nails,
21 or applies artificial applications, or in any way beautifies
22 the nails or the skin of the hands or feet, including massaging
23 the hands, arms, elbows, feet, lower legs, and knees of another
24 person or, and not for the treatment of medical disorders.

1 Sec. 3F-2. Licensure as a spa technician; qualifications. A
2 person is qualified to receive a license as a spa technician if
3 that person has applied in writing on forms prescribed by the
4 Department, has paid the required fees, and:

5 (1) is at least 16 years of age;

6 (2) has a certificate of graduation from a school providing
7 secondary education, or the recognized equivalent of such a
8 certificate, or persons who are beyond the age of compulsory
9 school attendance;

10 (3) has graduated from a school of cosmetology approved by
11 the Department, having completed a total of 1,000 hours in the
12 study of esthetics and nail technology extending over a period
13 of not less than 9 months nor more than 3 years. Time spent in
14 such study under the laws of another state or territory of the
15 United States or of a foreign country or province shall be
16 credited toward the period of study required by the provisions
17 of this paragraph (3);

18 (4) has passed an examination caused to be conducted by the
19 Department or its designated testing service to determine
20 fitness to receive a license as a barber; and

21 (5) has met all other requirements of this Act.

22 (225 ILCS 410/4-1)

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

24 Sec. 4-1. Powers and duties of Department. The Department
25 shall exercise, subject to the provisions of this Act, the

1 following functions, powers and duties:

2 (1) To cause to be conducted examinations to ascertain
3 the qualifications and fitness of applicants for licensure
4 as cosmetologists, estheticians, nail technicians, hair
5 braiders, ~~or~~ barbers, barber stylists, or spa technicians
6 and as cosmetology, esthetics, nail technology, hair
7 braiding, or barber teachers/instructors.

8 (2) To determine the qualifications for licensure as
9 (i) a cosmetologist, esthetician, nail technician, hair
10 braider, ~~or~~ barber, barber stylist, or spa technician or
11 (ii) a cosmetology, esthetics, nail technology, hair
12 braiding, or barber teacher/instructor, ~~or (iii) a~~
13 ~~cosmetology clinic teacher~~ for persons currently holding
14 similar licenses outside the State of Illinois or the
15 continental U.S.

16 (3) To prescribe rules for:

17 (i) The method of examination of candidates for
18 licensure as a cosmetologist, esthetician, nail
19 technician, hair braider, ~~or~~ barber, barber stylist,
20 or spa technician or cosmetology, esthetics, nail
21 technology, hair braiding, or barber
22 teacher/instructor.

23 (ii) Minimum standards as to what constitutes an
24 approved cosmetology, esthetics, nail technology, hair
25 braiding, or barber school.

26 (4) To conduct investigations or hearings on

1 proceedings to determine disciplinary action.

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

6 (6) To prescribe reasonable rules for the method of
7 renewal for each license as a cosmetologist, esthetician,
8 nail technician, hair braider, ~~or barber,~~ barber stylist,
9 or spa technician or cosmetology, esthetics, nail
10 technology, hair braiding, ~~or barber teacher/instructor or~~
11 ~~cosmetology clinic teacher.~~

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

17 (8) (Blank). ~~To adopt rules concerning sanitation~~
18 ~~requirements, requirements for education on sanitation,~~
19 ~~and any other health concerns associated with threading.~~

20 (Source: P.A. 97-333, eff. 8-12-11; 98-911, eff. 1-1-15.)

21 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

23 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair
24 Braiding, and Nail Technology Board. There is established
25 within the Department the Barber, Cosmetology, Esthetics, Hair

1 Braiding, and Nail Technology Board, composed of 11 persons,
2 which shall serve in an advisory capacity to the Secretary in
3 all matters related to the practice of barbering, cosmetology,
4 esthetics, hair braiding, and nail technology.

5 The 11 members of the Board shall be appointed as follows:
6 6 licensed cosmetologists, all of whom hold a current license
7 as a cosmetologist, barber stylist, or cosmetology esthetics,
8 and nail technology, teacher/instructor and, for appointments
9 made after the effective date of this amendatory Act of 1996,
10 at least 2 of whom shall be an owner of or a major stockholder
11 in a school of cosmetology, 2 of whom shall be representatives
12 of either a franchiser or an owner operating salons in 2 or
13 more locations within the State, one of whom shall be an
14 independent salon owner, and no one of the cosmetologist
15 members shall be a manufacturer, jobber, or stockholder in a
16 factory of cosmetology articles or an immediate family member
17 of any of the above; one of whom shall be a barber holding a
18 current license; one member who shall be a licensed
19 esthetician, licensed spa technician, or esthetics
20 teacher/instructor; one member who shall be a licensed nail
21 technician or nail technology teacher/instructor; one member
22 who shall be a licensed hair braider or hair braiding
23 teacher/instructor; and one public member who holds no licenses
24 issued by the Department. The Secretary shall give due
25 consideration for membership to recommendations by members of
26 the professions and by their professional organizations.

1 Members shall serve 4 year terms and until their successors are
2 appointed and qualified. No member shall be reappointed to the
3 Board for more than 2 terms. Appointments to fill vacancies
4 shall be made in the same manner as original appointments for
5 the unexpired portion of the vacated term. Members of the Board
6 in office on the effective date of this amendatory Act of 1996
7 shall continue to serve for the duration of the terms to which
8 they have been appointed, but beginning on that effective date
9 all appointments of licensed professionals ~~cosmetologists and~~
10 ~~barbers~~ to serve as members of the Board shall be made in a
11 manner that will effect at the earliest possible date the
12 changes made by this amendatory Act of 1996 in the
13 representative composition of the Board.

14 ~~For the initial appointment of a member who shall be a hair~~
15 ~~braider or hair braiding teacher to the Board, such individual~~
16 ~~shall not be required to possess a license at the time of~~
17 ~~appointment, but shall have at least 5 years active practice in~~
18 ~~the field of hair braiding and shall obtain a license as a hair~~
19 ~~braider or a hair braiding teacher within 18 months after~~
20 ~~appointment to the Board.~~

21 Six members of the Board shall constitute a quorum. A
22 majority is required for Board decisions.

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

26 (Source: P.A. 96-1246, eff. 1-1-11.)

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

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

3 Sec. 4-4. Issuance of license. Whenever the provisions of
4 this Act have been complied with, the Department shall issue a
5 license as a cosmetologist, esthetician, nail technician, hair
6 braider, ~~or barber,~~ barber stylist, or spa technician a license
7 as a cosmetology, esthetics, nail technology, hair braiding, or
8 barber teacher/instructor, ~~or a license as a cosmetology clinic~~
9 ~~teacher as the case may be.~~

10 (Source: P.A. 98-911, eff. 1-1-15.)

11 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

13 Sec. 4-7. Refusal, suspension and revocation of licenses;
14 causes; disciplinary action.

15 (1) The Department may refuse to issue or renew, and may
16 suspend, revoke, place on probation, reprimand or take any
17 other disciplinary or non-disciplinary action as the
18 Department may deem proper, including civil penalties not to
19 exceed \$500 for each violation, with regard to any license for
20 any one, or any combination, of the following causes:

21 a. Conviction of any crime under the laws of the United
22 States or any state or territory thereof that is (i) a
23 felony, (ii) a misdemeanor, an essential element of which
24 is dishonesty, or (iii) a crime which is related to the

1 practice of the profession.

2 b. Conviction of any of the violations listed in
3 Section 4-20.

4 c. Material misstatement in furnishing information to
5 the Department.

6 d. Making any misrepresentation for the purpose of
7 obtaining a license or violating any provision of this Act
8 or its rules.

9 e. Aiding or assisting another person in violating any
10 provision of this Act or its rules.

11 f. Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 g. Discipline by another state, territory, or country
14 if at least one of the grounds for the discipline is the
15 same as or substantially equivalent to those set forth in
16 this Act.

17 h. Practice in the barber, nail technology, esthetics,
18 hair braiding, or cosmetology profession, or an attempt to
19 practice in those professions, by fraudulent
20 misrepresentation.

21 i. Gross malpractice or gross incompetency.

22 j. Continued practice by a person knowingly having an
23 infectious or contagious disease.

24 k. Solicitation of professional services by using
25 false or misleading advertising.

26 l. A finding by the Department that the licensee, after

1 having his or her license placed on probationary status,
2 has violated the terms of probation.

3 m. Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional services not actually or personally
7 rendered.

8 n. Violating any of the provisions of this Act or rules
9 adopted pursuant to this Act.

10 o. Willfully making or filing false records or reports
11 relating to a licensee's practice, including but not
12 limited to, false records filed with State agencies or
13 departments.

14 p. Habitual or excessive use addiction to alcohol,
15 narcotics, stimulants, or any other chemical agent or drug
16 that results in the inability to practice with reasonable
17 judgment, skill or safety.

18 q. Engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public as may be defined by rules of
21 the Department, or violating the rules of professional
22 conduct which may be adopted by the Department.

23 r. Permitting any person to use for any unlawful or
24 fraudulent purpose one's diploma or license ~~or certificate~~
25 ~~of registration~~ as a cosmetologist, nail technician,
26 esthetician, hair braider, ~~or~~ barber, barber stylist, or

1 spa technician or cosmetology, nail technology, esthetics,
2 hair braiding, or barber teacher/instructor or salon or
3 shop ~~or cosmetology clinic teacher~~.

4 s. Being named as a perpetrator in an indicated report
5 by the Department of Children and Family Services under the
6 Abused and Neglected Child Reporting Act and upon proof by
7 clear and convincing evidence that the licensee has caused
8 a child to be an abused child or neglected child as defined
9 in the Abused and Neglected Child Reporting Act.

10 (2) In rendering an order, the Secretary shall take into
11 consideration the facts and circumstances involving the type of
12 acts or omissions in paragraph (1) of this Section including,
13 but not limited to:

14 (a) the extent to which public confidence in the
15 cosmetology, nail technology, esthetics, hair braiding, or
16 barbering profession was, might have been, or may be,
17 injured;

18 (b) the degree of trust and dependence among the
19 involved parties;

20 (c) the character and degree of harm which did result
21 or might have resulted;

22 (d) the intent or mental state of the licensee at the
23 time of the acts or omissions.

24 (3) The Department shall reissue the license or
25 registration upon certification by the Board that the
26 disciplined licensee or registrant has complied with all of the

1 terms and conditions set forth in the final order or has been
2 sufficiently rehabilitated to warrant the public trust.

3 (4) The Department shall refuse to issue or renew or
4 suspend without hearing the license or certificate of
5 registration of any person who fails to file a return, or to
6 pay the tax, penalty or interest shown in a filed return, or to
7 pay any final assessment of tax, penalty or interest, as
8 required by any tax Act administered by the Illinois Department
9 of Revenue, until such time as the requirements of any such tax
10 Act are satisfied as determined by the Department of Revenue.

11 (5) The Department shall deny without hearing any
12 application for a license or renewal of a license under this
13 Act by a person who has defaulted on an educational loan
14 guaranteed by the Illinois Student Assistance Commission;
15 however, the Department may issue or renew a license if the
16 person in default has established a satisfactory repayment
17 record as determined by the Illinois Student Assistance
18 Commission.

19 (6) All fines imposed under this Section shall be paid
20 within 60 days after the effective date of the order imposing
21 the fine or in accordance with the terms set forth in the order
22 imposing the fine.

23 (Source: P.A. 98-911, eff. 1-1-15.)

24 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

1 Sec. 4-9. Practice without a license or after suspension or
2 revocation thereof.

3 (a) If any person violates the provisions of this Act, the
4 Secretary may, in the name of the People of the State of
5 Illinois, through the Attorney General of the State of
6 Illinois, petition, for an order enjoining such violation or
7 for an order enforcing compliance with this Act. Upon the
8 filing of a verified petition in such court, the court may
9 issue a temporary restraining order, without notice or bond,
10 and may preliminarily and permanently enjoin such violation,
11 and if it is established that such person has violated or is
12 violating the injunction, the Court may punish the offender for
13 contempt of court. Proceedings under this Section shall be in
14 addition to, and not in lieu of, all other remedies and
15 penalties provided by this Act.

16 (b) If any person shall practice as a barber,
17 cosmetologist, nail technician, hair braider, ~~or~~ esthetician,
18 barber stylist, or spa technician or teacher thereof or
19 cosmetology clinic teacher or hold himself or herself out as
20 such without being licensed under the provisions of this Act,
21 any licensee, any interested party, or any person injured
22 thereby may, in addition to the Secretary, petition for relief
23 as provided in subsection (a) of this Section.

24 (c) Whenever in the opinion of the Department any person
25 violates any provision of this Act, the Department may issue a
26 rule to show cause why an order to cease and desist should not

1 be entered against him. The rule shall clearly set forth the
2 grounds relied upon by the Department and shall provide a
3 period of 7 days from the date of the rule to file an answer to
4 the satisfaction of the Department. Failure to answer to the
5 satisfaction of the Department shall cause an order to cease
6 and desist to be issued immediately.

7 (Source: P.A. 98-911, eff. 1-1-15.)

8 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

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

10 Sec. 4-19. Emergency suspension. The Secretary may
11 temporarily suspend the license of a barber, cosmetologist,
12 nail technician, hair braider, esthetician, barber stylist, or
13 spa technician ~~or teacher/instructor thereof or of a~~
14 ~~cosmetology clinic teacher~~ without a hearing, simultaneously
15 with the institution of proceedings for a hearing provided for
16 in Section 4-10 of this Act, if the Secretary finds that
17 evidence in his possession indicates that the licensee's
18 continuation in practice would constitute an imminent danger to
19 the public. In the event that the Secretary suspends,
20 temporarily, this license without a hearing, a hearing must be
21 commenced within 30 days after such suspension has occurred.

22 (Source: P.A. 98-911, eff. 1-1-15.)

23 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

1 Sec. 4-20. Violations; penalties. Whoever violates any of
2 the following shall, for the first offense, be guilty of a
3 Class B misdemeanor; for the second offense, shall be guilty of
4 a Class A misdemeanor; and for all subsequent offenses, shall
5 be guilty of a Class 4 felony and be fined not less than \$1,000
6 or more than \$5,000.

7 (1) The practice of cosmetology, nail technology,
8 esthetics, hair braiding, or barbering or an attempt to
9 practice cosmetology, nail technology, esthetics, hair
10 braiding, or barbering without a license as a cosmetologist,
11 nail technician, esthetician, hair braider, ~~or~~ barber, barber
12 stylist, or spa technician; or the practice or attempt to
13 practice as a cosmetology, nail technology, esthetics, hair
14 braiding, or barber teacher/instructor without a license as a
15 cosmetology, nail technology, esthetics, hair braiding, or
16 barber teacher/instructor; ~~or the practice or attempt to~~
17 ~~practice as a cosmetology clinic teacher without a proper~~
18 ~~license.~~

19 (2) The obtaining of or an attempt to obtain a license or
20 money or any other thing of value by fraudulent
21 misrepresentation.

22 (3) Practice in the barber, nail technology, cosmetology,
23 hair braiding, or esthetic profession, or an attempt to
24 practice in those professions, by fraudulent
25 misrepresentation.

26 (4) Wilfully making any false oath or affirmation whenever

1 an oath or affirmation is required by this Act.

2 (5) The violation of any of the provisions of this Act.

3 (Source: P.A. 98-911, eff. 1-1-15.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

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