

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.16)

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 Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Dental Practice Act.

The Professional Geologist Licensing Act.

The Illinois Athletic Trainers Practice Act.

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

The Collection Agency Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Physical Therapy Act.

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

(5 ILCS 80/4.26 new)

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 Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:

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

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

and 4-2 as follows:

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

(Section scheduled to be repealed on January 1, 2006)

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

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

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

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

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

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

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

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

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

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

cosmetology, esthetics, or nail technology school.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1-7. Licensure required; renewal.

(a) It is unlawful for any person to practice, or to hold himself or herself out to be a cosmetologist, esthetician, nail technician, or barber without a license as a cosmetologist, esthetician, nail technician, or barber issued by the Department of Professional Regulation pursuant to the provisions of this Act and of the Civil Administrative Code of Illinois. It is also unlawful for any person, firm, partnership, or corporation to own, operate, or conduct a cosmetology, esthetics, nail technology, or barber school without a license issued by the Department or to own or operate a cosmetology, esthetics, or nail technology salon or barber shop without a certificate of registration issued by the Department. It is further unlawful for any person to teach in any cosmetology, esthetics, nail technology, or barber college or school approved by the Department or hold himself or herself out as a cosmetology, esthetics, nail technology, or barber teacher without a license as a teacher, issued by the Department or as a cosmetology, esthetics, or nail technology clinic teacher without a license as a clinic teacher issued by the Department.

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

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

(c) A person licensed as a barber teacher may hold himself or herself out as a barber and may practice barbering without a license as a barber. A person licensed as a cosmetology teacher may hold himself or herself out as a cosmetologist, esthetician, and nail technologist and may practice cosmetology, esthetics, and nail technology without a license as a cosmetologist, esthetician, or nail technologist. A person licensed as an esthetics teacher may hold himself or herself out as an esthetician without being licensed as an esthetician and may practice esthetics. A person licensed as a nail technician teacher may practice nail technology and may hold himself or herself out as a nail technologist without being licensed as a nail technologist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 410/2A-7)

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

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

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

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

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

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

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

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

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

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

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

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

school's employ, including their teacher license numbers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~the discretion of the instructor.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3-2. Licensure; qualifications.

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

a. Is at least 16 years of age; and

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

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

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

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

e. Has met any other requirements of this Act.

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

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

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

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

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

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

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

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

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

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

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

~~preceding the examination;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) is at least 18 years of age;
- (2) has graduated from high school or its equivalent;
- (3) has a current license as a licensed cosmetologist or esthetician;

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

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

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

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

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

- (1) is at least 18 years of age;
- (2) has graduated from high school or its equivalent;
- (3) has a current license as a licensed cosmetologist or esthetician;
- (4) has (i) completed a program of 250 hours of clinic

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

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

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

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

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

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

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

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

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

Sec. 3A-5. Examination.

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

If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited to the Department and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing his or her application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee, if he or she meets the requirements in effect at the time of reapplication. If an applicant for licensure as an esthetician is unsuccessful at 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 125 hours of additional study of esthetics in an approved school of cosmetology or esthetics since the applicant last took the examination. If an applicant for licensure as an esthetics teacher or esthetics clinic teacher is unsuccessful at 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 80 hours of additional study in teaching methodology and educational psychology in a licensed school of cosmetology or esthetics since the applicant last took the examination. An applicant who fails to pass a fourth examination shall not again be admitted to an examination unless (i) in the case of an applicant for licensure as an esthetician, the applicant shall again take and complete a program of 750 hours in the study of esthetics in a licensed school of cosmetology approved

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

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

- ~~(1) product chemistry;~~
- ~~(2) sanitary rules and regulations;~~
- ~~(3) sanitary procedures;~~
- ~~(4) chemical service procedures;~~
- ~~(5) knowledge of the anatomy of the skin, as it relates to applicable services under this Act;~~
- ~~(6) the provisions and requirements of this Act; and~~
- ~~(7) labor and compensation laws.~~

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

- (1) teaching methodology;
- (2) classroom management; and
- (3) record keeping and any other subjects that the Department may deem necessary to insure competent

performance.

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

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

(225 ILCS 410/3B-10)

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

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

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

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

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

~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

equipment required for the conduct of the school.

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

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

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

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

(225 ILCS 410/3B-11)

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

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

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

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

(225 ILCS 410/3B-13)

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

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

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

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

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

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

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

Section.

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 410/3B-15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is at least 16 years of age;

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

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

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

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

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

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

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

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

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

technology clinic teacher; qualifications.

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

- (1) is at least 18 years of age;
- (2) has graduated from high school or its equivalent;
- (3) has a current license as a cosmetologist or nail technician;

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

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

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

- (1) is at least 18 years of age;
- (2) has graduated from high school or its equivalent;
- (3) has a current license as a licensed cosmetologist or nail technician;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 410/3D-5)

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

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

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

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

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

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

(e) A certificate of registration granted under this

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

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

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

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

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

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

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

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

(3) To prescribe rules for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 410/4-1.5 rep.)

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

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