

HB4079



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4079

Introduced 2/27/2009, by Rep. William D. Burns

SYNOPSIS AS INTRODUCED:

225 ILCS 410/1-11
225 ILCS 410/3-1

from Ch. 111, par. 1701-11
from Ch. 111, par. 1703-1

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Exempts from the Act persons who practice hair braiding. Defines the practice of hair braiding. Provides that the practice of cosmetology does not include hair braiding. Effective immediately.

LRB096 11782 ASK 22569 b

A BILL FOR

1 AN ACT concerning professional regulation.

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

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

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

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 1-11. Exceptions to Act.

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

17 (b) Nothing in this Act shall be construed to apply to the
18 activities and services of registered nurses or licensed
19 practical nurses, as defined in the Nurse Practice Act, or to
20 personal care or health care services provided by individuals
21 in the performance of their duties as employed or authorized by
22 facilities or programs licensed or certified by State agencies.
23 As used in this subsection (b), "personal care" means

1 assistance with meals, dressing, movement, bathing, or other
2 personal needs or maintenance or general supervision and
3 oversight of the physical and mental well-being of an
4 individual who is incapable of maintaining a private,
5 independent residence or who is incapable of managing his or
6 her person whether or not a guardian has been appointed for
7 that individual. The definition of "personal care" as used in
8 this subsection (b) shall not otherwise be construed to negate
9 the requirements of this Act or its rules.

10 (c) Nothing in this Act shall be deemed to require
11 licensure of individuals employed by the motion picture, film,
12 television, stage play or related industry for the purpose of
13 providing cosmetology or esthetics services to actors of that
14 industry while engaged in the practice of cosmetology or
15 esthetics as a part of that person's employment.

16 (d) Nothing in this Act shall be deemed to apply to the
17 practice of hair braiding. For the purposes of this subsection
18 (d), any one or any combination of the following processes
19 constitute the practice of hair braiding: the process of
20 interweaving or twisting and locking an individual's natural
21 hair; the process of interweaving together synthetic hair with
22 human hair by hand; or similar work upon the hair of any
23 person, which does not otherwise constitute the practice of
24 cosmetology as defined in Section 3-1 of this Act.

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

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

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

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

1 tweezers. The term "cosmetology" does not include the services
2 provided by an electrologist. Nail technology is the practice
3 and the study of cosmetology only to the extent of manicuring,
4 pedicuring, decorating, and applying sculptured or otherwise
5 artificial nails, or in any way caring for the nail or the skin
6 of the hands or feet including massaging the hands, arms,
7 elbows, feet, lower legs, and knees. Cosmetologists are
8 prohibited from using any technique, product, or practice
9 intended to affect the living layers of the skin. The term
10 cosmetology includes rendering advice on what is cosmetically
11 appealing, but no person licensed under this Act shall render
12 advice on what is appropriate medical treatment for diseases of
13 the skin. Purveyors of cosmetics may demonstrate such cosmetic
14 products in conjunction with any sales promotion and shall not
15 be required to hold a license under this Act. Nothing in this
16 Act 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. 94-451, eff. 12-31-05.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.