



Sen. Iris Y. Martinez

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LRB096 16272 ASK 37359 a

1 AMENDMENT TO SENATE BILL 2799

2 AMENDMENT NO. _____. Amend Senate Bill 2799 by replacing
3 everything after the enacting clause with the following:

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

7 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

8 (Section scheduled to be repealed on January 1, 2016)

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

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

13 "Department" means the Department of Professional
14 Regulation.

15 "Director" means the Director of Professional Regulation.

16 "Licensed barber" means an individual licensed by the

1 Department to practice barbering as defined in this Act and
2 whose license is in good standing.

3 "Licensed barber clinic teacher" means an individual
4 licensed by the Department to practice barbering, as defined in
5 this Act, and to provide clinical instruction in the practice
6 of barbering in an approved school of barbering.

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

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

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

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

21 "Licensed cosmetology 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 instruction in the theory and practice of cosmetology,
25 esthetics, and nail technology to students in an approved
26 cosmetology, esthetics, or nail technology school.

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

18 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

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

20 Sec. 3-1. Cosmetology defined. Any one or any combination
21 of the following practices constitutes the practice of
22 cosmetology when done for cosmetic or beautifying purposes and
23 not for the treatment of disease or of muscular or nervous
24 disorder: arranging, braiding, dressing, cutting, trimming,
25 curling, waving, chemical restructuring, shaping, singeing,

1 bleaching, coloring or similar work, upon the hair of the head
2 or any cranial prosthesis; cutting or trimming facial hair of
3 any person; any practice of manicuring, pedicuring, decorating
4 nails, applying sculptured nails or otherwise artificial nails
5 by hand or with mechanical or electrical apparatus or
6 appliances, or in any way caring for the nails or the skin of
7 the hands or feet including massaging the hands, arms, elbows,
8 feet, lower legs, and knees of another person for other than
9 the treatment of medical disorders; any practice of epilation
10 or depilation of any person; any practice for the purpose of
11 cleansing, massaging or toning the skin of the scalp;
12 beautifying, massaging, cleansing, exfoliating, or stimulating
13 the stratum corneum of the epidermis by the use of cosmetic
14 preparations, body treatments, body wraps, the use of
15 hydrotherapy, or any device, electrical, mechanical, or
16 otherwise; applying make-up or eyelashes to any person or
17 lightening hair on the body and removing superfluous hair from
18 the body of any person by the use of depilatories, waxing,
19 threading, or tweezers. The term "cosmetology" does not include
20 the services provided by an electrologist. Nail technology is
21 the practice and the study of cosmetology only to the extent of
22 manicuring, pedicuring, decorating, and applying sculptured or
23 otherwise artificial nails, or in any way caring for the nail
24 or the skin of the hands or feet including massaging the hands,
25 arms, elbows, feet, lower legs, and knees. Cosmetologists are
26 prohibited from using any technique, product, or practice

1 intended to affect the living layers of the skin. The term
2 cosmetology includes rendering advice on what is cosmetically
3 appealing, but no person licensed under this Act shall render
4 advice on what is appropriate medical treatment for diseases of
5 the skin. Purveyors of cosmetics may demonstrate such cosmetic
6 products in conjunction with any sales promotion and shall not
7 be required to hold a license under this Act. Nothing in this
8 Act shall be construed to prohibit the shampooing of hair by
9 persons employed for that purpose and who perform that task
10 under the direct supervision of a licensed cosmetologist or
11 licensed cosmetology teacher.

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

13 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

15 Sec. 3A-1. Esthetics defined.

16 (A) Any one or combination of the following practices, when
17 done for cosmetic or beautifying purposes and not for the
18 treatment of disease or of a muscular or nervous disorder,
19 constitutes the practice of esthetics:

20 1. Beautifying, massaging, cleansing, exfoliating, or
21 stimulating the stratum corneum of the epidermis by the use
22 of cosmetic preparations, body treatments, body wraps,
23 hydrotherapy, or any device, electrical, mechanical, or
24 otherwise, for the care of the skin;

25 2. Applying make-up or eyelashes to any person or

1 lightening hair on the body except the scalp; and

2 3. Removing superfluous hair from the body of any
3 person.

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

12 (B) "Esthetician" 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 and hands or body in a
20 superficial mode, and not for the treatment of medical
21 disorders.

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

23 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

25 Sec. 4-1. Powers and duties of Department. The Department

1 shall exercise, subject to the provisions of this Act, the
2 following functions, powers and duties:

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

8 (2) To determine the qualifications for licensure as a
9 cosmetologist, esthetician, nail technician, or barber or
10 cosmetology, esthetics, nail technology, or barber teacher
11 or cosmetology, esthetics, or nail technology clinic
12 teachers for persons currently licensed as cosmetologists,
13 estheticians, nail technicians, or barbers or cosmetology,
14 esthetics, nail technology, or barber teachers or
15 cosmetology, esthetics, or nail technology clinic teachers
16 outside the State of Illinois or the continental U.S.

17 (3) To prescribe rules for:

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

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

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

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

5 (6) To prescribe reasonable rules for the method of
6 renewal for each license as a cosmetologist, esthetician,
7 nail technician, or barber or cosmetology, esthetics, nail
8 technology, or barbering teacher or cosmetology,
9 esthetics, or nail technology clinic teacher.

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

15 (8) To adopt rules concerning sanitation requirements,
16 requirements for education on sanitation, and any other
17 health concerns associated with threading.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."