



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4682

by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Massage Licensing Act. Provides that the Department of Financial and Professional Regulation shall issue each massage therapist an identification card. Provides that the identification card shall contain certain information. Provides that the Department shall use a licensee's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card. Provides that licenses issued under the Act shall include the licensee's name, license number, and photograph, as well as the date of expiration of the license. Provides that the Secretary of State shall allow the Department access to the photograph and signature of the licensee for the purpose of identifying the licensee and issued to the licensee an identification card and that a license holder may request a religious exemption to the photograph requirement. Provides that any person who forges or materially alters an identification card or who counterfeits an identification card, who knowingly possesses a forged or materially altered identification card with knowledge it is counterfeit, or who knowingly aids, abets, assists, procures, advises, employs, or contracts with any person who knowingly possesses a forged or materially altered identification card commits a Class 2 felony. Provides that no massage therapist may practice his or her profession under the Act without having in his or her possession an identification card. Requires massage therapists to display the new license after receiving the license from the Department. Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 to make similar changes for nail technicians. Effective immediately.

LRB099 18633 SMS 43015 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Massage Licensing Act is amended by adding  
5 Section 18 and by changing Section 32 as follows:

6 (225 ILCS 57/18 new)

7 Sec. 18. Massage therapist identification card; licenses.

8 (a) On and after January 1, 2018, the Department shall  
9 issue each massage therapist an identification card at such  
10 places as the Secretary shall specify. The identification card  
11 shall contain the licensee's name, license number, residence,  
12 date of birth, sex, physical description, recent photograph,  
13 and signature, as well as the date of expiration of the  
14 license. The Department shall use a licensee's digital  
15 photograph and signature from his or her Illinois driver's  
16 license or Illinois Identification Card, if available. The  
17 Secretary of State shall allow the Department access to the  
18 photograph and signature of the licensee for the purpose of  
19 identifying the licensee and issuing to the licensee an  
20 identification card. The Department shall decline to use a  
21 person's digital photograph or signature if the digital  
22 photograph or signature is the result of or associated with  
23 fraudulent or erroneous data, unless otherwise provided by law.

1       A licensee who is 21 years of age or older seeking a  
2       religious exemption to the photograph requirement must furnish  
3       with the application an approved copy of United States  
4       Department of the Treasury Internal Revenue Service Form 4029.  
5       In lieu of a photograph, a licensee regardless of age seeking a  
6       religious exemption to the photograph requirement shall submit  
7       fingerprints on a form and manner prescribed by the Department  
8       with his or her application.

9       (b) In addition to any other requirements, licenses issued  
10       under this Act on and after January 1, 2018 shall include the  
11       licensee's name, license number, and photograph, as well as the  
12       date of expiration of the license. The Department shall use the  
13       same photograph as required under subsection (a) of this  
14       Section.

15       (c) Any person who forges or materially alters a massage  
16       therapist identification card or who counterfeits a massage  
17       therapist identification card commits a Class 2 felony.

18       Any person who knowingly possesses a forged or materially  
19       altered massage therapist identification card with the intent  
20       to use it commits a Class 2 felony. A person who possesses a  
21       massage therapist identification card with knowledge that it is  
22       counterfeit commits a Class 2 felony.

23       Whoever knowingly aids, abets, assists, procures, advises,  
24       employs, or contracts with any person who knowingly possesses a  
25       forged or materially altered massage therapist identification  
26       card with the intent to use it commits a Class 2 felony.

1       (d) No massage therapist may practice his or her profession  
2       under this Act without having in his or her possession a  
3       massage therapist identification card issued in his or her name  
4       by the Department under the provisions of this Act.

5           (225 ILCS 57/32)

6           (Section scheduled to be repealed on January 1, 2022)

7           Sec. 32. Display.

8       (a) Every holder of a license shall display it, or a copy,  
9       in a conspicuous place in the holder's principal office or any  
10       other location where the holder renders massage therapy  
11       services.

12       (b) Every holder of a license issued under Section 18 of  
13       this Act shall display it, or a copy, in a conspicuous place in  
14       the holder's principal office or any other location where the  
15       holder renders massage therapy services after receiving the  
16       license from the Department.

17       (Source: P.A. 97-514, eff. 8-23-11.)

18       Section 10. The Barber, Cosmetology, Esthetics, Hair  
19       Braiding, and Nail Technology Act of 1985 is amended by  
20       changing Section 1-10, and adding Section 3C-11 as follows:

21           (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

22           (Section scheduled to be repealed on January 1, 2026)

23           Sec. 1-10. Display.

1        (a) Every holder of a license shall display it in a place  
2        in the holder's principal office, place of business or place of  
3        employment. Whenever a licensed cosmetologist, esthetician,  
4        nail technician, hair braider, or barber practices  
5        cosmetology, esthetics, nail technology, hair braiding, or  
6        barbering outside of or away from the cosmetologist's,  
7        esthetician's, nail technician's, hair braider's, or barber's  
8        principal office, place of business, or place of employment,  
9        the cosmetologist, esthetician, nail technician, hair braider,  
10       or barber shall provide any person so requesting proof that he  
11       or she has a valid license issued by the Department.

12       Every registered shop shall display its certificate of  
13       registration at the location of the shop. Each shop where  
14       barber, cosmetology, esthetics, hair braiding, or nail  
15       technology services are provided shall have a certificate of  
16       registration.

17       (b) Every holder of a nail technician license issued under  
18       Section 3C-11 of this Act shall display it, or a copy, in a  
19       conspicuous place in the holder's principal office or any other  
20       location where the holder renders nail technician services  
21       after receiving the license from the Department.

22       (Source: P.A. 99-427, eff. 8-21-15.)

23       (225 ILCS 410/3C-11 new)

24       Sec. 3C-11. Nail technician identification card; licenses.

25       (a) On and after January 1, 2018, the Department shall

1 issue each nail technician an identification card at such  
2 places as the Secretary shall specify. The identification card  
3 shall contain the licensee's name, license number, residence,  
4 date of birth, sex, physical description, recent photograph,  
5 and signature, as well as the date of expiration of the  
6 license. The Department shall use a licensee's digital  
7 photograph and signature from his or her Illinois driver's  
8 license or Illinois Identification Card, if available. The  
9 Secretary of State shall allow the Department access to the  
10 photograph and signature of the licensee for the purpose of  
11 identifying the licensee and issuing to the licensee an  
12 identification card. The Department shall decline to use a  
13 person's digital photograph or signature if the digital  
14 photograph or signature is the result of or associated with  
15 fraudulent or erroneous data, unless otherwise provided by law.

16 A licensee who is 21 years of age or older seeking a  
17 religious exemption to the photograph requirement must furnish  
18 with the application an approved copy of United States  
19 Department of the Treasury Internal Revenue Service Form 4029.  
20 In lieu of a photograph, a licensee regardless of age seeking a  
21 religious exemption to the photograph requirement shall submit  
22 fingerprints on a form and manner prescribed by the Department  
23 with his or her application.

24 (b) In addition to any other requirements, licenses issued  
25 under this Act on and after January 1, 2018 shall include the  
26 licensee's name, license number, and photograph, as well as the

1 date of expiration of the license. The Department shall use the  
2 same photograph as required under subsection (a) of this  
3 Section.

4 (c) Any person who forges or materially alters a nail  
5 technician identification card or who counterfeits a nail  
6 technician identification card commits a Class 2 felony.

7 Any person who knowingly possesses a forged or materially  
8 altered nail technician identification card with the intent to  
9 use it commits a Class 2 felony. A person who possesses a nail  
10 technician identification card with knowledge that it is  
11 counterfeit commits a Class 2 felony.

12 Whoever knowingly aids, abets, assists, procures, advises,  
13 employs, or contracts with any person who knowingly possesses a  
14 forged or materially altered nail technician identification  
15 card with the intent to use it commits a Class 2 felony.

16 (d) No nail technician may practice his or her profession  
17 under this Act without having in his or her possession a nail  
18 technician identification card issued in his or her name by the  
19 Department under the provisions of this Act.

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

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 57/18 new

4 225 ILCS 57/32

5 225 ILCS 410/1-10 from Ch. 111, par. 1701-10

6 225 ILCS 410/3C-11 new