

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 4.26 and adding Section 4.36 as follows:

(5 ILCS 80/4.26)

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 Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

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

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

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

(5 ILCS 80/4.36 new)

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 Act repealed on January 1, 2026.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

Act is repealed on January 1, 2026:

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

Section 10. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Sections 1-4, 1-6, 1-7, 1-10, 1-11, 2-2, 2-3, 2-4, 2-7, 2-9, 3-2, 3-3, 3-4, 3-6, 3-7, 3A-6, 3B-2, 3B-10, 3B-11, 3B-12, 3B-13, 3C-8, 3D-5, 3E-5, 4-2, 4-5, 4-7, 4-9, 4-10, 4-13, 4-14, 4-15, 4-16, and 4-17 and by adding Sections 1-6.5, 1-12, 2-10, 2-11, 3-9, 3-10, 3A-8, 3B-17, 3B-18, 3C-10, 3E-7, 4-18.5, and 4-25 as follows:

(225 ILCS 410/1-4)

(Section scheduled to be repealed on January 1, 2016)

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

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

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

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

"Licensed barber" means an individual licensed by the

Department to practice barbering 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, hair braiding, 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 an ~~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 as defined in this Act and to provide instruction in the theory and practice of barbering to students in an approved barber school.

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

"Licensed cosmetology clinic teacher" means an individual licensed by the Department to practice cosmetology, esthetics, hair braiding, and nail technology as defined in this Act and

to provide clinical instruction in the practice of cosmetology, esthetics, hair braiding, and nail technology in an approved school of cosmetology, esthetics, hair braiding, 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 hair braider" means an ~~any~~ individual licensed by the Department to practice hair braiding as defined in this Act ~~Section 3E-1~~ and whose license is in good standing.

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

"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.

"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.

"Mobile shop or salon" means a self-contained facility that may be moved, towed, or transported from one location to another and in which barbering, cosmetology, esthetics, hair braiding, or nail technology is practiced.

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

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

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

(225 ILCS 410/1-6) (from Ch. 111, par. 1701-6)

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

Sec. 1-6. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of

subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the address of record, or, if not an applicant or licensee, to the last known address of a party.

(Source: P.A. 88-45.)

(225 ILCS 410/1-6.5 new)

Sec. 1-6.5. Address of record. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

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

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

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

(a) It is unlawful for any person to practice, or to hold himself or herself out to be a cosmetologist, esthetician, nail technician, hair braider, or barber without a license as a cosmetologist, esthetician, nail technician, hair braider or barber issued by the Department ~~of Financial and 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, limited liability company, or corporation to own, operate, or conduct a cosmetology, esthetics, nail technology, hair braiding ~~salon~~, or barber school without a license issued by the Department or to own or operate a cosmetology, esthetics, nail technology, or hair braiding salon, ~~or~~ barber shop, or other business subject to the registration requirements of this Act without a certificate of registration issued by the Department. It is further unlawful for any person to teach in any cosmetology, esthetics, nail technology, hair braiding, or barber college or school approved by the Department or hold himself or herself out as a cosmetology, esthetics, hair braiding, nail technology, or barber teacher without a license as a teacher, issued by the Department or as a cosmetology clinic teacher without a license as a cosmetology clinic teacher issued by the Department.

(b) Notwithstanding any other provision of this Act, a person licensed as a cosmetologist 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 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. A person licensed as a cosmetologist may hold himself or herself out as a hair braider and may engage in the practice of hair braiding, as defined in this Act, without being licensed as a hair braider. A person licensed as a cosmetology teacher may teach hair braiding and hold himself or herself out as a hair braiding teacher without being licensed as a hair braiding 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, hair braider, and nail technologist and may practice cosmetology, esthetics, hair braiding, and nail technology without a license as a cosmetologist, esthetician, hair braider, 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. A person licensed as a hair braiding teacher may practice hair braiding and may hold himself or herself out

as a hair braider without being licensed as a hair braider.

(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.

(e) The expiration date, renewal period, and conditions for renewal and restoration of each license shall be established by rule.

(f) A license issued under the provisions of this Act as a barber, barber teacher, cosmetologist, cosmetology teacher, cosmetology clinic teacher, esthetician, esthetics teacher, nail technician, nail technician teacher, hair braider, or hair braiding teacher that has expired while the holder of the license was engaged (1) in federal service on active duty with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States of America, 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 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.

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

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

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

Sec. 1-10. Display. Every holder of a license shall display it in a place in the holder's principal office, place of business or place of employment. Whenever a licensed cosmetologist, esthetician, nail technician, hair braider, or barber practices cosmetology, esthetics, nail technology, hair braiding, or barbering outside of or away from the cosmetologist's, esthetician's, nail technician's, hair braider's, or barber's principal office, place of business, or place of employment, the cosmetologist, esthetician, nail technician, hair braider, or barber shall provide any person so requesting proof that he or she has a valid license issued ~~deliver to each person served a certificate of identification in a form specified~~ by the Department.

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

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

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

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

Sec. 1-11. Exceptions to Act.

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

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

(c) Nothing in this Act shall be deemed to require

licensure of individuals employed by the motion picture, film, television, stage play or related industry for the purpose of providing cosmetology or esthetics services to actors of that industry while engaged in the practice of cosmetology or esthetics as a part of that person's employment.

(d) Nothing in this Act shall be deemed to require licensure of an inmate of the Department of Corrections who performs barbering or cosmetology with the approval of the Department of Corrections during the person's incarceration.

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

(225 ILCS 410/1-12 new)

Sec. 1-12. Licensure by endorsement. The Department may, without examination, grant a license under this Act to an applicant who is licensed or registered for or authorized to practice the same profession under the laws of another state or jurisdiction of the United States or of a foreign country upon filing of an application on forms provided by the Department, paying the required fee, and meeting such requirements as are established by rule. The Department may prescribe rules governing recognition of education and legal practice in another jurisdiction, requiring additional education, and determining when an examination may be required.

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

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

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

- a. Is at least 16 years of age; and
- b. Has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance; and
- c. Has graduated from a school of barbering or school of cosmetology approved by the Department, having completed a total of 1500 hours in the study of barbering extending over a period of not less than 9 months nor more than 3 years. A school of barbering may, at its discretion, consistent with the rules of the Department, accept up to 1,000 ~~500~~ hours of cosmetology school training at a recognized cosmetology school toward the 1500 hour course requirement of barbering. 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 caused to be conducted by the Department or its designated testing service to determine fitness to receive a license as a barber; and
- e. Has met all other requirements of this Act.

(Source: P.A. 97-777, eff. 7-13-12.)

(225 ILCS 410/2-3) (from Ch. 111, par. 1702-3)

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

Sec. 2-3. Licensure as a barber by a cosmetology school graduate. A person is qualified to receive a license as a barber if that person has applied in writing on forms provided by the Department, paid the required fees, and:

- a. Is at least 16 years of age; and
- b. Has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance; and
- c. Has graduated from a cosmetology school approved by the Department having completed a minimum of 1500 hours in the study of cosmetology; and
- d. Has graduated from a school of barbering or cosmetology approved by the Department having completed a minimum of 500 ~~1000~~ additional hours in the study of barbering extending over a period of no less than 3 ~~6~~ months nor more than one year ~~2 years~~. 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
- e. Has passed an examination caused to be conducted by the Department, or its designated testing service, to determine

fitness to receive a license as a barber; and

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

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

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

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

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

a. Is at least 18 years of age;

b. Has graduated from high school or its equivalent;

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

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

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

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

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

e. Has passed an examination authorized by the Department to determine fitness to receive a license as a barber teacher or a cosmetology teacher; and

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

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

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

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

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

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) this Act and the rules for the administration of this Act ~~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 as a barber teacher shall include: (a) practice of barbering and styling, (b) theory of barbering, (c) methods of teaching, and (d) school management.

If an applicant for licensure as a barber 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 barbering in an approved school of barbering or cosmetology since the applicant last took the examination. If an applicant for licensure as a barber 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 barbering or 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 barber, the applicant again takes and completes a program of 1,500 hours in the study of barbering in an approved school of barbering or 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; or (ii)

in the case of an applicant for licensure as a barber teacher, the applicant again takes and completes a program of 1,000 hours of teacher training in an approved school of barbering or cosmetology, except that if the applicant had 2 years of practical experience as a licensed barber 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 barbering or cosmetology. 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 standards by which this determination shall be made.

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. 94-451, eff. 12-31-05.)

(225 ILCS 410/2-9)

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

Sec. 2-9. Certification ~~Degree~~ in barbering at a cosmetology school. A school of cosmetology may offer a certificate ~~degree~~ in barbering, as defined by this Act, provided that the school of cosmetology complies with subsections (c), (d), and (e) of Section 2-2 of this Act; utilizes barber teachers properly licensed under Section 2-4 of this Act; and complies with Sections 2A-7 and 3B-10 of this Act.

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

(225 ILCS 410/2-10 new)

Sec. 2-10. Licensed cosmetologist seeking license as a barber. A licensed cosmetologist who submits to the Department an application for licensure as a barber must meet all requirements of this Act for licensure as a barber, except that such applicant shall be given credit for hours of instruction completed for his or her cosmetologist license in subjects that are common to both barbering and cosmetology and shall complete an additional 500 hours of instruction in subjects not within the scope of practice of a cosmetologist. The Department shall provide for the implementation of this provision by rule.

(225 ILCS 410/2-11 new)

Sec. 2-11. Inactive status. Any barber or barber teacher who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status. Any barber or barber teacher requesting restoration from inactive status shall be required to pay the current renewal fee and to qualify for the restoration of his or her license, subject to rules of the Department. Any barber or barber teacher whose license is in inactive status shall not practice in the State of Illinois.

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

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

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, or the recognized equivalent of that certificate; and
- c. Has graduated from a school of cosmetology approved

by the Department, having completed a program of 1,500 ~~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 1,000 ~~500~~ hours of barber school training at a recognized barber school toward the 1,500 ~~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 to receive a license as a cosmetologist; and

e. Has met any other requirements of this Act.

(2) (Blank).

(Source: P.A. 93-253, eff. 7-22-03; 94-451, eff. 12-31-05.)

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

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

Sec. 3-3. Licensure as a cosmetologist by a barber school graduate. A person is qualified to receive a license as a cosmetologist if that person has filed an application on forms provided by the Department, has paid the required fees, and:

a. Is at least 16 years of age; and

b. Has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or is beyond the age of compulsory school attendance; and

c. Has graduated from a school of barbering approved by the Department having completed 1500 hours in the study of barbering, and a minimum of 500 ~~1000~~ additional hours in the study of cosmetology extending over a period of no less than 3 ~~6~~ months nor more than one year ~~2 years~~. 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 fitness to receive a license as a cosmetologist; and

e. Has met any other requirements of this Act.

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

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

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

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; or (iii) completed the barber teacher training as specified in subsection (d) of Section 2-4 of this Act and completed a supplemental cosmetology course as established by rule;
- (5) has passed an examination authorized by the Department to determine eligibility to receive a license as a cosmetology teacher or barber teacher; and
- (6) has met any other requirements of this Act.

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, 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;

(5) has passed an examination authorized by the Department to determine eligibility 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. 94-451, eff. 12-31-05.)

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

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

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. The Department may provide by rule for the administration of the examination prior to the completion of the applicant's program of training as required in Section 3-2, 3-3, or 3-4. 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, 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.

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

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

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

Sec. 3-7. Licensure; renewal; continuing education ~~and~~
~~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
Board and may include online instruction.

~~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.

~~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 or (ii) has been licensed as a cosmetologist, cosmetology teacher, or cosmetology clinic teacher for at least 25 years.~~

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

(225 ILCS 410/3-9 new)

Sec. 3-9. Licensed barber seeking license as cosmetologist. A licensed barber who submits to the Department an application for licensure as a cosmetologist must meet all requirements of this Act for licensure as a cosmetologist, except that such applicant shall be given credit for hours of instruction completed for his or her barber license in subjects that are common to both barbering and cosmetology and shall complete an additional 500 hours of instruction in subjects not within the scope of practice of a barber. The Department shall provide for the implementation of this provision by rule.

(225 ILCS 410/3-10 new)

Sec. 3-10. Licensed esthetician or licensed nail technician seeking license as a cosmetologist. A licensed esthetician or licensed nail technician who submits to the Department an application for licensure as a cosmetologist must meet all requirements of this Act for licensure as a cosmetologist except that such applicant shall be given credit for hours of instruction completed for his or her esthetician or nail technician license in subjects that are common to both esthetics or nail technology and cosmetology. The Department shall provide for the implementation of this provision by rule.

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

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

Sec. 3A-6. Licensure; renewal; continuing education; examination; military service. The holder of a license issued under this Article may renew such license during the month preceding the expiration date thereof by paying the required fee, giving evidence the Department may prescribe of completing not less than 10 hours for estheticians, and not less than 20 hours of continuing education for esthetics teachers, 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 Board.

~~A license that has expired or been placed on inactive status may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the~~

~~current qualifications and fitness of the licensee including the completion of continuing education hours for the period following expiration.~~

~~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 such waiver, under the following circumstances:

(1) 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;

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

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

(4) the licensee is incapacitated due to illness.

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

(225 ILCS 410/3A-8 new)

Sec. 3A-8. Inactive status. Any esthetician or esthetician teacher who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any esthetician or esthetician teacher requesting restoration from inactive status shall be required to pay the current renewal fee and to qualify for the restoration of his or her license, subject to rules of the Department. A license shall not be restored from inactive status unless the esthetician or esthetician teacher requesting the restoration completes the number of hours of continuing education required for renewal of a license under Section 3A-6.

Any esthetician or esthetician teacher whose license is in

inactive status shall not practice in the State of Illinois.

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

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

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

Any student or employee of a school approved by this Act who believes he has been aggrieved by a violation of this Act shall have the right to file a written complaint within one year of the alleged violation. The Department shall acknowledge receipt of such written complaint, commence an investigation of the alleged violation, and forward to the Attorney General and any appropriate State's Attorney's office copies of complaints as required by Section 3B-3. The Department shall inform ~~forward a copy of the formal complaint and order to the person who filed the complaint and to~~ the chief operating officer of the school cited in the complaint of the nature or substance of the complaint and afford the school an opportunity to either resolve the complaint to the satisfaction of the complainant or submit a written response to the Department.

However, before proceeding to a hearing on the question of

whether a license shall be refused or revoked, the Department may issue a letter granting the school in question 30 days to correct the deficiency or deficiencies. The letter shall enumerate the deficiencies and state the action on the part of the school that will remediate the deficiency or deficiencies. During the time designated to remedy deficiencies the Department may order the school to cease and desist from all marketing and student enrollment activities.

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

(225 ILCS 410/3B-10)

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

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

c. (Blank).

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 or, if the owner is a limited liability company, a copy of the articles of organization;

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 and rules;

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 barber, cosmetology, esthetics, hair braiding, 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 barber, cosmetology, esthetics, hair braiding, or nail technology school.

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

(225 ILCS 410/3B-11)

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

Sec. 3B-11. Periodic review of barber, cosmetology, esthetics, hair braiding, and nail technology schools. ~~The Department shall review at least biennially all~~ All approved schools and courses of instruction are subject to review by the Department. 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 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. 98-911, eff. 1-1-15.)

(225 ILCS 410/3B-12)

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

Sec. 3B-12. Enrollment agreements.

(a) Enrollment agreements shall be used by barber, cosmetology, esthetics, hair braiding, and nail technology schools licensed to operate by the Department and shall include the following written disclosures:

(1) The name and address of the school and the addresses where instruction will be given;

(2) The name and description of the course of instruction, including the number of clock hours in each

course and an approximate number of weeks or months required for completion;

(3) The scheduled starting date and calculated completion date;

(4) The total cost of the course of instruction including any charges made by the school for tuition, books, materials, supplies, and other expenses;

(5) A clear and conspicuous statement that the contract is a legally binding instrument when signed by the student and accepted by the school;

(6) A clear and conspicuous caption, "BUYER'S RIGHT TO CANCEL" under which it is explained that the student has the right to cancel the initial enrollment agreement until midnight of the fifth business day after the student has been enrolled; and if notice of the right to cancel is not given to any prospective student at the time the enrollment agreement is signed, then the student has the right to cancel the agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation;

(7) A notice to the students that the cancellation must be in writing and given to the registered agent, if any, or managing employee of the school;

(8) The school's refund policy for unearned tuition, fees, and other charges;

(9) The date of the student's signature and the date of the student's admission;

(10) The name of the school employee or agent responsible for procuring, soliciting, or enrolling the student;

(11) A clear statement that the institution does not guarantee employment and a statement describing the school's placement assistance procedures;

(12) The graduation requirements of the school;

(13) The contents of the following notice, in at least 10 point bold type:

"NOTICE TO THE STUDENT"

"Do not sign this contract before you read it or if it contains any blank space. You are entitled to an exact copy of the contract you sign."

(14) A statement either in the enrollment agreement or separately provided and acknowledged by the student indicating the number of students who did not complete the course of instruction for which they enrolled for the past calendar year as compared to the number of students who enrolled in school during the school's past calendar year;

(15) The following clear and conspicuous caption: "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set forth with the address and telephone number of the Department's Complaint Intake Unit ~~Chicago and Springfield offices.~~

(b) If the enrollment is negotiated orally in a language

other than English, then copies of the above disclosures shall be tendered in the language in which the contract was negotiated prior to executing the enrollment agreement.

(c) The school shall comply with all applicable requirements of the Retail Installment Sales Act in its enrollment agreement or student contracts.

(d) No enrollment agreement or student contract shall contain a wage assignment provision or a confession of judgment clause.

(e) Any provision in an enrollment agreement or student contract that purports to waive the student's right to assert against the school, or any assignee, any claim or defense he or she may have against the school arising under the contract shall be void.

(f) Two copies of the enrollment agreement shall be signed by the student. One copy shall be given to the student and the school shall retain the other copy as part of the student's permanent record.

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

(225 ILCS 410/3B-13)

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

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 requirements of the school's regional or national accrediting agency, if any, or 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. All fees must be disclosed in the student contract.

(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 45

calendar days after the date of notice of the student's cancellation or the date that the school determines that the student has officially or unofficially withdrawn.

(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 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. 95-343, eff. 1-1-08; 96-506, eff. 8-14-09.)

(225 ILCS 410/3B-17 new)

Sec. 3B-17. Sale of school. Any school licensed under this Act that is subsequently sold to another party shall notify the Department in writing of the sale at least 30 days in advance of the effective date of the transfer of ownership. Upon filing of this notice with the Department, the new owner may continue to operate the school under the previously issued license provided that the new owner submits an application for licensure to the Department in accordance with the requirements of this Act within 30 days after the effective date of the transfer of ownership. The new owner may continue to operate the school under the previous license after submitting such application until the Department issues a new license or denies issuance of a license, whichever occurs first. The Department shall provide for administration of this Section by rule.

(225 ILCS 410/3B-18 new)

Sec. 3B-18. Internship. A school may offer an internship program as part of its curriculum subject to the rules of the Department.

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

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

Sec. 3C-8. License renewal; expiration; continuing

education; persons in military service. The holder of a license issued under this Article may renew that license during the month preceding the expiration date of the license by paying the required fee and giving evidence, as the Department may prescribe, of completing not less than 10 hours of continuing education for a nail technician and 20 hours of continuing education for a nail technology teacher, within the 2 years prior to renewal. The continuing education shall be in subjects approved by the Department upon recommendation of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Board relating to the practice of nail technology, including, but not limited to, review of sanitary procedures, review of chemical service procedures, review of this Act, and review of the Workers' Compensation Act. However, at least 10 of the hours of continuing education required for a nail technology teacher shall be in subjects relating to teaching methodology, educational psychology, and classroom management or in other subjects related to teaching.

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

~~A license issued under this Article 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 the service, training, or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that the certificate holder has been so engaged and that the 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 such 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) the licensee's compliance with the continuing education requirements would cause a substantial financial hardship on the licensee;

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

(d) the licensee is incapacitated due to illness.

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

(225 ILCS 410/3C-10 new)

Sec. 3C-10. Inactive status. Any nail technician or nail technology teacher who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any nail technician or nail technology teacher requesting restoration from inactive status shall be required to pay the current renewal fee and to qualify for the restoration of his or her license, subject to rules of the Department. A license shall not be restored from inactive status unless the nail technician or nail technology teacher requesting the restoration completes the number of hours of continuing education required for renewal of a license under Section 3C-8.

Any nail technician or nail technology teacher whose license is in inactive status shall not practice in the State of Illinois.

(225 ILCS 410/3D-5)

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

Sec. 3D-5. Requisites for ownership or operation of

cosmetology, esthetics, hair braiding, and nail technology salons and barber shops.

(a) No person, firm, partnership, limited liability company, or corporation shall own or operate a cosmetology, esthetics, hair braiding, or nail technology salon or barber shop or employ, rent space to, or independently contract with any licensee under this Act without 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, hair braiding, 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.

(g) The requirement of a certificate of registration as set forth in this Section shall also apply to any person, firm, partnership, limited liability company, or corporation providing barbering, cosmetology, esthetics, hair braiding, or nail technology services at any location not owned or rented by such person, firm, partnership, limited liability company, or corporation for these purposes or from a mobile shop or salon. Notwithstanding any provision of this Section, applicants for a certificate of registration under this subsection (g) shall report in its application the address and telephone number of its office and shall not be required to report the location where services are or will be rendered. Nothing in this subsection (g) shall apply to a sole proprietor who has no employees or contractors and is not operating a mobile shop or salon.

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

(225 ILCS 410/3E-5)

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

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

~~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 may establish additional rules for the administration of this Section and other requirements for the renewal of a hair braider or hair braiding teacher license issued under this Act.~~

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

(225 ILCS 410/3E-7 new)

Sec. 3E-7. Inactive status. Any hair braider or hair braiding teacher who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until

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

Any hair braider or hair braiding teacher requesting restoration from inactive status shall be required to pay the current renewal fee and to qualify for the restoration of his or her license, subject to rules of the Department. A license shall not be restored from inactive status unless the hair braider or hair braiding teacher requesting the restoration completes the number of hours of continuing education required for renewal of a license under Section 3E-5.

Any hair braider or hair braiding teacher whose license is in inactive status shall not practice in the State of Illinois.

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

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

Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Board. There is established within the Department the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Board, composed of 11 persons, which shall serve in an advisory capacity to the Secretary in all matters related to the practice of barbering, cosmetology, esthetics, hair braiding, and nail technology.

The 11 members of the Board 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 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; one of whom shall be a barber 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; one member who shall be a licensed hair braider or hair braiding teacher; and one public member who holds no licenses issued by the Department. The Secretary 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 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 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 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.

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

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

The Board shall elect a chairperson and a vice chairperson annually.

Board members are not liable for their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those determined to be willful, wanton, or intentional misconduct.

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

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

(225 ILCS 410/4-5) (from Ch. 111, par. 1704-5)

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

Sec. 4-5. Fees; time limitations.

(a) Except as provided in paragraph (b) below, the fees for

the administration and enforcement of this Act, including but not limited to fees for original licensure, renewal, and restoration shall be set by the Department by rule. The fees shall not be refundable.

(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of initial screening to determine eligibility and providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing his application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee.

(d) An individual applying on the basis of endorsement or restoration of licensure has 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited. The applicant may reapply, but shall meet the requirements in effect at the time of reapplication.

(e) An applicant has one year from the date of notification of successful completion of the examination to apply to the

Department for a license. If an applicant fails to apply within one year the applicant shall be required to take and pass the examination again.

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

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

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

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

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

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

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

c. Material misstatement in furnishing information to the Department.

d. Making any misrepresentation for the purpose of obtaining a license or violating any provision of this Act

or its rules.

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

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

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

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

i. Gross malpractice or gross incompetency.

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

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

l. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

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

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

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

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

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

r. Permitting any person to use for any unlawful or fraudulent purpose one's diploma or license or certificate of registration as a cosmetologist, nail technician, esthetician, hair braider, or barber or cosmetology, nail technology, esthetics, hair braiding, or barber teacher or salon or shop or cosmetology clinic teacher.

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

in the Abused and Neglected Child Reporting Act.

t. Operating a salon or shop without a valid registration.

u. Failure to complete required continuing education hours.

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

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

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

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

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

(3) The Department may ~~shall~~ reissue the license or registration upon certification by the Board that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order or has been sufficiently rehabilitated to warrant the public trust.

(4) The Department shall refuse to issue or renew or suspend without hearing the license or certificate of

registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

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

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

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

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

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

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

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of

Illinois, through the Attorney General of the State of Illinois, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

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

(c) Whenever in the opinion of the Department any person, firm, corporation, or other legal entity has violated ~~violates~~ any provision of Section 1-7 or 3D-5 of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, firm, corporation, or legal entity ~~him~~. The rule shall clearly set forth the grounds relied upon by the Department and shall

provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

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

(225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

Sec. 4-10. Refusal, suspension and revocation of licenses; investigations and hearing. The Department may upon its own motion and shall, upon the verified complaint in writing of any person setting forth the facts which if proven would constitute grounds for disciplinary action as set forth in Section 4-7, investigate the actions of any person holding or claiming to hold a license. The Department shall, at least 30 days prior to the date set for the hearing, notify in writing the applicant or the holder of that license of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The Department shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of

practice, as the Secretary may deem proper. The written notice may be served by the delivery of the notice personally to the accused person, or by mailing the notice by registered or certified mail to the address of record ~~place of business last specified by the accused person in his last notification to the Department~~. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department be suspended, revoked, or placed on probationary status, or the Department, may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and the accused person shall be accorded ample opportunity to present in person or by counsel, any statements, testimony, evidence and arguments as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.

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

(225 ILCS 410/4-13) (from Ch. 111, par. 1704-13)

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

Sec. 4-13. Attendance of witnesses and production of documents. Any circuit court or any judge thereof, upon the application of the accused person or ~~complainant~~ or of the

Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of license, and the court or judge may compel obedience to its or his order by proceedings for contempt.

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

(225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

Sec. 4-14. Report of Board; rehearing. The Board shall present to the Secretary its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this Section for the service of the notice ~~citation~~. Within 20 days after such service, said accused person may present to the Department his or her motion in writing for rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this Section, the time elapsing thereafter and before such transcript is ready for delivery to him or her shall not be counted as part of such 20 days. Whenever the Secretary is satisfied that substantial justice has not been done, he or she may order a re-hearing by the same or a special committee. At the expiration of the time specified for filing a motion or a

rehearing the Secretary shall have the right to take the action recommended by the Board. Upon the suspension or revocation of his or her license a licensee shall be required to surrender his or her license to the Department, and upon his or her failure or refusal so to do, the Department shall have the right to seize the same.

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

(225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

Sec. 4-15. Hearing officer. Notwithstanding the provisions of Section 4-10, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew, or discipline of a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, then the Secretary shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with ~~determines that~~ the Board's report ~~is contrary to the manifest weight of the~~

~~evidence~~, then he or she may issue an order in contravention of the Board's report.

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

(225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

Sec. 4-16. Order or certified copy; prima facie proof. An order of revocation or suspension or placing a license on probationary status or other disciplinary action as the Department may consider proper or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

1. the signature is the genuine signature of the Secretary;
2. the Secretary is duly appointed and qualified; and
3. the Board and the members thereof are qualified to act.

Such proof may be rebutted.

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

(225 ILCS 410/4-17) (from Ch. 111, par. 1704-17)

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

Sec. 4-17. Restoration of license. At any time after the successful completion of a term of suspension or revocation of a license, the Department may restore it to the licensee, upon the written recommendation of the Board, unless the Board

determines after an investigation and a hearing that restoration is not in the public interest.

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

(225 ILCS 410/4-18.5 new)

Sec. 4-18.5. Citations.

(a) The Department shall adopt rules to permit the issuance of citations for unlicensed practice, practice on an expired license, failure to register a salon or shop, operating a salon or shop on an expired registration, aiding and abetting unlicensed practice, failure to display a license as required by this Act, or any violation of sanitary rules. The citation shall be issued to the licensee or other person alleged to have committed one or more of the preceding violations and shall contain the licensee's or other person's name and address, the licensee's license number, if any, a brief factual statement, the Sections of this Act or the rules allegedly violated, and the penalty imposed, which shall not exceed \$500. The citation must clearly state that if the cited person wishes to dispute the citation, he or she may request in writing, within 30 days after the citation is served, a hearing before the Department. If the cited person does not request a hearing within 30 days after the citation is served, then the citation shall become a final order and shall constitute discipline and any fine imposed is due and payable. If the cited person requests a hearing within 30 days after the citation is served, the

Department shall afford the cited person a hearing conducted in the same manner as a hearing provided in this Act for any violation of this Act and shall determine whether the cited person committed the violation as charged and whether the fine as levied is warranted. No fine shall be increased but may be reduced. If the violation is found, any fine shall be due and payable within 30 days of the order of the Secretary. Failure to comply with any final order may subject the licensee or unlicensed person to further discipline or other action by the Department or a referral to the State's Attorney.

(b) A citation must be issued within 6 months after the reporting of a violation that is the basis for the citation.

(c) Service of a citation shall be made by personal service or certified mail to the licensee at the licensee's address of record or to an unlicensed person at his or her last known address.

(d) Nothing in this Section shall prohibit or limit the Department from taking further action pursuant to this Act and rules for additional, repeated, or continuing violations.

(225 ILCS 410/4-25 new)

Sec. 4-25. Disposition by consent order. At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(225 ILCS 410/1-9 rep.)

(225 ILCS 410/2-4a rep.)

(225 ILCS 410/3-8 rep.)

(225 ILCS 410/3A-7 rep.)

(225 ILCS 410/3C-9 rep.)

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

(225 ILCS 410/4-4a rep.)

(225 ILCS 410/4-18 rep.)

(225 ILCS 410/4-23 rep.)

Section 15. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by repealing Sections 1-9, 2-4a, 3-8, 3A-7, 3C-9, 3E-4, 4-4a, 4-18, and 4-23.

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