



Rep. Margaret Croke

Filed: 3/18/2025

10400HB3318ham001

LRB104 11139 AAS 23946 a

1 AMENDMENT TO HOUSE BILL 3318

2 AMENDMENT NO. _____. Amend House Bill 3318 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 1-11, 3-1, 3A-1, 4-7, and 4-20 as follows:

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

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 1-11. Exceptions to Act.

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

1 excluded.

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

18 (c) Nothing in this Act shall be deemed to require
19 licensure of individuals employed by the motion picture, film,
20 television, stage play or related industry for the purpose of
21 providing cosmetology or esthetics services to actors of that
22 industry while engaged in the practice of cosmetology or
23 esthetics as a part of that person's employment.

24 (d) Nothing in this Act shall be deemed to require
25 licensure of an inmate of the Department of Corrections who
26 performs barbering or cosmetology with the approval of the

1 Department of Corrections during the person's incarceration.

2 (e) Nothing in this Act shall be construed to limit the
3 ability of a licensed physician to practice medicine in all of
4 its branches.

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

6 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

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

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

1 the stratum corneum of the epidermis by the use of cosmetic
2 preparations, including superficial exfoliants, body
3 treatments, body wraps, the use of hydrotherapy, or any
4 device, electrical, mechanical, or otherwise, including
5 microdermabrasion, hydrodermabrasion, and dermaplaning;
6 applying make-up or eyelashes to any person or lightening or
7 coloring hair on the body and removing superfluous hair from
8 the body of any person by the use of depilatories, waxing,
9 threading, or tweezers. The term "cosmetology" does not
10 include the services provided by an electrologist. Nail
11 technology is the practice and the study of cosmetology only
12 to the extent of manicuring, pedicuring, decorating, and
13 applying sculptured or otherwise artificial nails, or in any
14 way caring for the nail or the skin of the hands or feet
15 including massaging the hands, arms, elbows, feet, lower legs,
16 and knees. Cosmetologists are prohibited from using any
17 technique, product, or practice intended to affect the living
18 layers of the skin. The term cosmetology includes rendering
19 advice on what is cosmetically appealing, but no person
20 licensed under this Act shall render advice on what is
21 appropriate medical treatment for diseases of the skin.
22 Purveyors of cosmetics may demonstrate such cosmetic products
23 in conjunction with any sales promotion and shall not be
24 required to hold a license under this Act. Nothing in this Act
25 shall be construed to prohibit the shampooing of hair by
26 persons employed for that purpose and who perform that task

1 under the direct supervision of a licensed cosmetologist or
2 licensed cosmetology teacher.

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

4 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

6 Sec. 3A-1. Esthetics defined.

7 (A) Any one or combination of the following practices,
8 when done for cosmetic or beautifying purposes and not for the
9 treatment of disease or of a muscular or nervous disorder,
10 constitutes the practice of esthetics:

11 1. Beautifying, massaging, cleansing, exfoliating, or
12 stimulating the stratum corneum of the epidermis by the
13 use of cosmetic preparations, including superficial
14 exfoliants, body treatments, body wraps, hydrotherapy, or
15 any device, electrical, mechanical, or otherwise, for the
16 care of the skin, including microdermabrasion,
17 hydrodermabrasion, and dermaplaning;

18 2. Applying make-up or eyelashes to any person or
19 lightening or coloring hair on the body except the scalp;
20 and

21 3. Removing superfluous hair from the body of any
22 person.

23 However, esthetics does not include the services provided
24 by a cosmetologist or electrologist. Estheticians are
25 prohibited from using techniques, products, and practices

1 intended to affect the living layers of the skin. The term
2 esthetics includes rendering advice on what is cosmetically
3 appealing, but no person licensed under this Act shall render
4 advice on what is appropriate medical treatment for diseases
5 of the skin.

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

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

17 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

1 any one, or any combination, of the following causes:

2 a. For licensees, conviction of any crime under the
3 laws of the United States or any state or territory
4 thereof that is (i) a felony, (ii) a misdemeanor, an
5 essential element of which is dishonesty, or (iii) a crime
6 which is related to the practice of the profession and,
7 for initial applicants, convictions set forth in Section
8 4-6.1 of this Act.

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

11 c. Material misstatement in furnishing information to
12 the Department.

13 d. Making any misrepresentation for the purpose of
14 obtaining a license or violating any provision of this Act
15 or its rules.

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

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

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

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

1 misrepresentation.

2 i. Gross malpractice or gross incompetency.

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

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

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

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

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

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

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

25 q. Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public as may be defined by rules of
2 the Department, or violating the rules of professional
3 conduct which may be adopted by the Department.

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

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

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

19 u. Failure to complete required continuing education
20 hours.

21 v. Using any technique, product, or practice intended
22 to affect the living layers of the skin.

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

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

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

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

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

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

16 (4) The Department shall refuse to issue or renew or
17 suspend without hearing the license or certificate of
18 registration of any person who fails to file a return, or to
19 pay the tax, penalty or interest shown in a filed return, or to
20 pay any final assessment of tax, penalty or interest, as
21 required by any tax Act administered by the Illinois
22 Department of Revenue, until such time as the requirements of
23 any such tax Act are satisfied as determined by the Department
24 of Revenue.

25 (5) (Blank).

26 (6) All fines imposed under this Section shall be paid

1 within 60 days after the effective date of the order imposing
2 the fine or in accordance with the terms set forth in the order
3 imposing the fine.

4 (Source: P.A. 99-427, eff. 8-21-15; 99-876, eff. 1-1-17;
5 100-872, eff. 8-14-18.)

6 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

8 Sec. 4-20. Violations; penalties. Whoever violates any of
9 the following shall, for the first offense, be guilty of a
10 Class B misdemeanor; for the second offense, shall be guilty
11 of a Class A misdemeanor; and for all subsequent offenses,
12 shall be guilty of a Class 4 felony and be fined not less than
13 \$1,000 or more than \$5,000.

14 (1) The practice of cosmetology, nail technology,
15 esthetics, hair braiding, or barbering or an attempt to
16 practice cosmetology, nail technology, esthetics, hair
17 braiding, or barbering without a license as a cosmetologist,
18 nail technician, esthetician, hair braider, or barber; or the
19 practice or attempt to practice as a cosmetology, nail
20 technology, esthetics, hair braiding, or barber teacher
21 without a license as a cosmetology, nail technology,
22 esthetics, hair braiding, or barber teacher; or the practice
23 or attempt to practice as a cosmetology clinic teacher without
24 a proper license.

25 (2) The obtaining of or an attempt to obtain a license or

1 money or any other thing of value by fraudulent
2 misrepresentation.

3 (3) Practice in the barber, nail technology, cosmetology,
4 hair braiding, or esthetic profession, or an attempt to
5 practice in those professions, by fraudulent
6 misrepresentation.

7 (4) Wilfully making any false oath or affirmation whenever
8 an oath or affirmation is required by this Act.

9 (5) The use of any technique, product, or practice
10 intended to affect the living layers of the skin in the
11 practice of cosmetology, nail technology, esthetics, hair
12 braiding, or barbering.

13 (6) ~~(5)~~ The violation of any of the provisions of this Act.
14 (Source: P.A. 98-911, eff. 1-1-15.)

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