

1 AN ACT concerning regulation.

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

4 Section 5. The 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8 (Section scheduled to be repealed on January 1, 2026)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
17 excluded.

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

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

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

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

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

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

25 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

1 (Section scheduled to be repealed on January 1, 2026)

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

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

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

23 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

25 Sec. 3A-1. Esthetics defined.

1 (A) Any one or combination of the following practices,
2 when done for cosmetic or beautifying purposes and not for the
3 treatment of disease or of a muscular or nervous disorder,
4 constitutes the practice of esthetics:

5 1. Beautifying, massaging, cleansing, exfoliating, or
6 stimulating the stratum corneum of the epidermis by the
7 use of cosmetic preparations, including superficial
8 exfoliants, body treatments, body wraps, hydrotherapy, or
9 any device, electrical, mechanical, or otherwise, for the
10 care of the skin, including microdermabrasion,
11 hydrodermabrasion, and dermaplaning;

12 2. Applying make-up or eyelashes to any person or
13 lightening or coloring hair on the body except the scalp;
14 and

15 3. Removing superfluous hair from the body of any
16 person.

17 However, esthetics does not include the services provided
18 by a cosmetologist or electrologist. Estheticians are
19 prohibited from using techniques, products, and practices
20 intended to affect the living layers of the skin. The term
21 esthetics includes rendering advice on what is cosmetically
22 appealing, but no person licensed under this Act shall render
23 advice on what is appropriate medical treatment for diseases
24 of the skin.

25 (B) "Esthetician" means any person who, with hands or
26 mechanical or electrical apparatus or appliances, engages only

1 in the use of cosmetic preparations, body treatments, body
2 wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,
3 creams or other preparations or in the practice of massaging,
4 cleansing, exfoliating the stratum corneum of the epidermis,
5 stimulating, manipulating, beautifying, grooming, threading,
6 or similar work on the face, neck, arms and hands or body in a
7 superficial mode, and not for the treatment of medical
8 disorders.

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

10 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

20 a. For licensees, conviction of any crime under the
21 laws of the United States or any state or territory
22 thereof that is (i) a felony, (ii) a misdemeanor, an
23 essential element of which is dishonesty, or (iii) a crime
24 which is related to the practice of the profession and,
25 for initial applicants, convictions set forth in Section

1 4-6.1 of this Act.

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

4 c. Material misstatement in furnishing information to
5 the Department.

6 d. Making any misrepresentation for the purpose of
7 obtaining a license or violating any provision of this Act
8 or its rules.

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

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

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

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

21 i. Gross malpractice or gross incompetency.

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

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

26 l. A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

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

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

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

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

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

23 r. Permitting any person to use for any unlawful or
24 fraudulent purpose one's diploma or license or certificate
25 of registration as a cosmetologist, nail technician,
26 esthetician, hair braider, or barber or cosmetology, nail

1 technology, esthetics, hair braiding, or barber teacher or
2 salon or shop or cosmetology clinic teacher.

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

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

12 u. Failure to complete required continuing education
13 hours.

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

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

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

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

26 (c) the character and degree of harm which did result

1 or might have resulted;

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

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

9 (4) The Department shall refuse to issue or renew or
10 suspend without hearing the license or certificate of
11 registration of any person who fails to file a return, or to
12 pay the tax, penalty or interest shown in a filed return, or to
13 pay any final assessment of tax, penalty or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirements of
16 any such tax Act are satisfied as determined by the Department
17 of Revenue.

18 (5) (Blank).

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

23 (Source: P.A. 99-427, eff. 8-21-15; 99-876, eff. 1-1-17;
24 100-872, eff. 8-14-18.)

25 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

2 Sec. 4-20. Violations; penalties. Whoever violates any of
3 the following shall, for the first offense, be guilty of a
4 Class B misdemeanor; for the second offense, shall be guilty
5 of a Class A misdemeanor; and for all subsequent offenses,
6 shall be guilty of a Class 4 felony and be fined not less than
7 \$1,000 or more than \$5,000.

8 (1) The practice of cosmetology, nail technology,
9 esthetics, hair braiding, or barbering or an attempt to
10 practice cosmetology, nail technology, esthetics, hair
11 braiding, or barbering without a license as a cosmetologist,
12 nail technician, esthetician, hair braider, or barber; or the
13 practice or attempt to practice as a cosmetology, nail
14 technology, esthetics, hair braiding, or barber teacher
15 without a license as a cosmetology, nail technology,
16 esthetics, hair braiding, or barber teacher; or the practice
17 or attempt to practice as a cosmetology clinic teacher without
18 a proper license.

19 (2) The obtaining of or an attempt to obtain a license or
20 money or any other thing of value by fraudulent
21 misrepresentation.

22 (3) Practice in the barber, nail technology, cosmetology,
23 hair braiding, or esthetic profession, or an attempt to
24 practice in those professions, by fraudulent
25 misrepresentation.

26 (4) Wilfully making any false oath or affirmation whenever

1 an oath or affirmation is required by this Act.

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

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

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