

1 AN ACT concerning hair braiding.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.16 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

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

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95;
20 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff.
21 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

22 Section 10. The Barber, Cosmetology, Esthetics, and Nail
23 Technology Act of 1985 is amended by changing Sections 1-1,
24 1-7, 1-7.5, 1-10, 3-1, 3D-5, 4-1, 4-2, 4-4, 4-9, 4-19, and
25 4-20 and the Article IIID heading and adding Article IIIE and
26 Article IIIF as follows:

27 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

28 (Section scheduled to be repealed on January 1, 2006)

29 Sec. 1-1. Short title Title-of-Act. This Act may be cited

1 as the Barber, Cosmetology, Esthetics, Hair Braiding, and
2 Nail Technology Act of 1985.

3 (Source: P.A. 86-1475; 87-786.)

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

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 1-7. Licensure required.

7 (a) It is unlawful for any person to practice, or to
8 hold himself or herself out to be a cosmetologist,
9 esthetician, nail technician, hair braider, or barber without
10 a license as a cosmetologist, esthetician, nail technician,
11 hair braider, or barber issued by the Department of
12 Professional Regulation pursuant to the provisions of this
13 Act and of the Civil Administrative Code of Illinois. It is
14 also unlawful for any person, firm, partnership, or
15 corporation to own, operate, or conduct a cosmetology,
16 esthetics, nail technology, hair braider, or barber school
17 without a license issued by the Department or to own or
18 operate a cosmetology, esthetics, or nail technology salon,
19 hair braiding shop, or barber shop without a certificate of
20 registration issued by the Department. It is further
21 unlawful for any person to teach in any cosmetology,
22 esthetics, nail technology, or barber college or school
23 approved by the Department or hold himself or herself out as
24 a cosmetology, esthetics, nail technology, or barber teacher
25 without a license as a teacher, issued by the Department or
26 as a cosmetology, esthetics, or nail technology clinic
27 teacher without a license as a clinic teacher issued by the
28 Department.

29 (b) Notwithstanding any other provision of this Act, a
30 person licensed as a cosmetologist or barber may hold himself
31 or herself out as an esthetician and may engage in the
32 practice of esthetics, as defined in this Act, without being
33 licensed as an esthetician. A person licensed as a

1 cosmetology teacher or barber teacher may teach esthetics or
 2 hold himself or herself out as an esthetics teacher without
 3 being licensed as an esthetics teacher. A person licensed as
 4 a cosmetologist may hold himself or herself out as a nail
 5 technician and may engage in the practice of nail technology,
 6 as defined in this Act, without being licensed as a nail
 7 technician. A person licensed as a cosmetology teacher may
 8 teach nail technology and hold himself or herself out as a
 9 nail technology teacher without being licensed as a nail
 10 technology teacher.

11 (c) A person licensed as a barber teacher may hold
 12 himself or herself out as a barber and may practice barbering
 13 without a license as a barber. A person licensed as a
 14 cosmetology teacher may hold himself or herself out as a
 15 cosmetologist, esthetician, and nail technologist and may
 16 practice cosmetology, esthetics, and nail technology without
 17 a license as a cosmetologist, esthetician, or nail
 18 technologist. A person licensed as an esthetics teacher may
 19 hold himself or herself out as an esthetician without being
 20 licensed as an esthetician and may practice esthetics. A
 21 person licensed as a nail technician teacher may practice
 22 nail technology and may hold himself or herself out as a nail
 23 technologist without being licensed as a nail technologist.

24 (d) The changes to this Section made by this amendatory
 25 Act of the 93rd General Assembly apply on and after January
 26 1, 2004.

27 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

28 (225 ILCS 410/1-7.5)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 1-7.5. Unlicensed practice; violation; civil
 31 penalty.

32 (a) Any person who practices, offers to practice,
 33 attempts to practice, or holds himself or herself out to

1 practice barbering, cosmetology, esthetics, or nail
 2 technology, or hair braiding without being licensed under
 3 this Act shall, in addition to any other penalty provided by
 4 law, pay a civil penalty to the Department in an amount not
 5 to exceed \$5,000 for each offense as determined by the
 6 Department. The civil penalty shall be assessed by the
 7 Department after a hearing is held in accordance with the
 8 provisions set forth in this Act regarding disciplining a
 9 licensee.

10 (b) The Department has the authority and power to
 11 investigate any and all unlicensed activity.

12 (c) The civil penalty shall be paid within 60 days after
 13 the effective date of the order imposing the civil penalty.
 14 The order shall constitute a judgment and may be filed and
 15 execution had thereon in the same manner as any judgment from
 16 any court of record.

17 (d) The changes to this Section made by this amendatory
 18 Act of the 93rd General Assembly apply on and after January
 19 1, 2004.

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

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

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 1-10. Display. Every holder of a license shall
 24 display it in a place in the holder's principal office, place
 25 of business or place of employment. Whenever a licensed
 26 cosmetologist, esthetician, nail technician, hair braider, or
 27 barber practices cosmetology, esthetics, nail technology,
 28 hair braiding, or barbering outside of or away from the
 29 cosmetologist's, esthetician's, nail technician's, hair
 30 braider's, or barber's principal office, place of business,
 31 or place of employment, the cosmetologist, esthetician, nail
 32 technician, hair braider, or barber shall deliver to each
 33 person served a certificate of identification in a form

1 specified by the Department.

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

7 The changes to this Section made by this amendatory Act
8 of the 93rd General Assembly apply on and after January 1,
9 2004.

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

11 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

12 (Section scheduled to be repealed on January 1, 2006)

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

1 hydrotherapy, tonics, lotions or creams or any device,
2 electrical or otherwise, for the care of the skin; applying
3 make-up or eyelashes to any person, tinting eyelashes and
4 eyebrows and lightening hair on the body and removing
5 superfluous hair from the body of any person by the use of
6 depilatories, waxing or tweezers. The term "cosmetology"
7 does not include the services provided by an electrologist.
8 Nail technology is the practice and the study of cosmetology
9 only to the extent of manicuring, pedicuring, decorating, and
10 applying sculptured or otherwise artificial nails, or in any
11 way caring for the nail or the skin of the hands or feet
12 including massaging the hands, arms, elbows, feet, lower
13 legs, and knees. Cosmetologists are prohibited from
14 performing any procedure that may puncture or abrade the skin
15 below the stratum corneum of the epidermis or remove closed
16 milia (whiteheads) which may draw blood or serous body fluid.
17 The term cosmetology includes rendering advice on what is
18 cosmetically appealing, but no person licensed under this Act
19 shall render advice on what is appropriate medical treatment
20 for diseases of the skin. Purveyors of cosmetics may
21 demonstrate such cosmetic products in conjunction with any
22 sales promotion and shall not be required to hold a license
23 under this Act. Nothing in this Act shall be construed to
24 prohibit the shampooing of hair by persons employed for that
25 purpose and who perform that task under the direct
26 supervision of a licensed cosmetologist or licensed
27 cosmetology teacher. The practice of cosmetology does not
28 include the practice of hair braiding as defined in Article
29 IIIE of this Act.

30 (Source: P.A. 91-863, eff. 7-1-00.)

31 (225 ILCS 410/Art. IIID heading)

32 ARTICLE IIID. COSMETOLOGY, ESTHETICS, NAIL TECHNOLOGY

33 SALONS, HAIR BRAIDING SHOPS,

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AND BARBER SHOPS

(225 ILCS 410/3D-5)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3D-5. Requisites for ownership or operation of cosmetology, esthetics, and nail technology salons, hair braiding shops, and barber shops.

(a) No person, firm, partnership, limited liability company, or corporation shall own or operate a cosmetology, esthetics, or nail technology salon, hair braiding shop, or barber shop without first 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, or nail technology salon, hair braiding shop, 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

1 Section may be revoked in accordance with the provisions of
2 Article IV and the holder of the certificate may be otherwise
3 disciplined by the Department in accordance with rules
4 adopted under this Act.

5 (f) The Department may promulgate rules to establish
6 additional requirements for owning or operating a salon or
7 shop.

8 (g) The changes to this Section made by this amendatory
9 Act of the 93rd General Assembly apply on and after January
10 1, 2004. (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff.
11 1-31-97.)

12 (225 ILCS 410/Art. IIIE heading new)

13 ARTICLE IIIE. HAIR BRAIDERS

14 (225 ILCS 410/3E-5 new)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 3E-5. Hair braiding defined. Any one or any
17 combination of the following practices constitutes the
18 practice of hair braiding: The process of interweaving an
19 individual's natural hair or interweaving together synthetic
20 hair with human hair by hand or similar work upon the hair
21 of any person without application of any form of chemicals.

22 (225 ILCS 410/3E-10 new)

23 (Section scheduled to be repealed on January 1, 2006)

24 Sec. 3E-10. Application of Article.

25 (a) This Article shall not prohibit the shampooing of
26 hair by persons employed for that purpose and who perform
27 such task under the direct supervision of a licensed hair
28 braider.

29 (b) This Article does not prohibit a person licensed
30 under any other Article of this Act from engaging in the
31 practice for which he or she is licensed.

1 (225 ILCS 410/3E-15 new)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 3E-15. Qualifications for licensure as a hair
4 braider. A person is qualified to receive a license as a
5 hair braider if that person has applied in writing on forms
6 prescribed by the Department, has paid the required fees, and
7 meets all of the following qualifications:

8 (1) Is at least 16 years of age.

9 (2) Has a certificate of graduation from a school
10 providing secondary education or the recognized
11 equivalent of such a certificate or is beyond the age of
12 compulsory school attendance.

13 (3) Has graduated from a school of hair braiding
14 approved by the Department, having completed a total of
15 750 hours in the study of hair braiding extending over a
16 period of not less than 6 months nor more than one year.
17 A school of hair braiding may, at its discretion,
18 consistent with the rules of the Department, accept up to
19 750 hours of cosmetology school training at a recognized
20 cosmetology school toward the 750 hours required under
21 this Section. Time spent in such study under the laws of
22 another state or territory of the United States or of a
23 foreign country or province shall be credited toward the
24 period of study required under this Section.

25 (4) Has passed an examination conducted by the
26 Department or its designated testing service to determine
27 fitness to receive a license as a hair braider.

28 (5) Has met all of the other requirements of this
29 Act.

30 (225 ILCS 410/3E-20 new)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 3E-20. Qualifications for licensure as a hair
33 braiding teacher. A person is qualified to receive a license

1 as a hair braiding teacher if that person has applied in
2 writing on forms provided by the Department, paid the
3 required fees, and meets all of the following qualifications:

4 (1) Is at least 18 years of age.

5 (2) Has graduated from high school or its
6 equivalent.

7 (3) Has a current license as a hair braider.

8 (4) Has graduated from a hair braiding school
9 approved by the Department having either (A) completed a
10 total of 750 hours in barber teacher training extending
11 over a period of not less than 6 months nor more than one
12 year and has had 3 years of practical experience as a
13 licensed hair braider or (B) completed a total of 750
14 hours of hair braiding teacher training extending over a
15 period of not less than 6 months nor more than one year.

16 (5) Has passed an examination authorized by the
17 Department to determine fitness to receive a license as a
18 hair braiding teacher.

19 (6) Has met any other requirements set forth in
20 this Act.

21 An applicant who is issued a license as a hair braiding
22 teacher is not required to maintain a hair braiding license
23 in order to practice hair braiding as defined in this
24 Article.

25 (225 ILCS 410/3E-25 new)

26 (Section scheduled to be repealed on January 1, 2006)

27 Sec. 3E-25. Endorsement. An applicant who is a hair
28 braider registered or licensed under the laws of another
29 state or territory of the United States or of a foreign
30 country or province may, without examination, be granted a
31 license as a hair braider by the Department in its discretion
32 upon filing of an application on forms provided by the
33 Department, paying the required fee, and meeting all of the

1 following conditions:

2 (1) The applicant is at least 16 years of age.

3 (2) The requirements for the registration or
4 licensure of hair braiding in the particular state,
5 territory, country, or province were, at the date of the
6 license, substantially equivalent to the requirements
7 then in force in this State or the applicant has
8 established proof of legal practice in another
9 jurisdiction for at least 3 years.

10 The Department shall prescribe reasonable rules governing
11 the recognition of and the credit to be given to the study of
12 hair braiding under the laws of another state or territory of
13 the United States or a foreign country or province by an
14 applicant for a license as a hair braider or hair braiding
15 teacher, and for the recognition of legal practice in another
16 jurisdiction towards the education required under this
17 Article.

18 (225 ILCS 410/3E-30 new)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 3E-30. Examination. The Department shall hold
21 examinations of applicants for licensure as hair braiders and
22 hair braiding teachers at such times and places as it may
23 determine. Upon request, the examinations shall be
24 administered in English or French.

25 Each applicant shall be given a written examination
26 testing both theoretical and practical knowledge of the
27 following subjects insofar as they are related and applicable
28 to the practice of hair braiding science and art: (i)
29 anatomy, (ii) physiology, (iii) skin diseases, (iv) hygiene
30 and sanitation, (v) hair braiding history, and (vi) hair
31 braiding law.

32 The examination of applicants for registration as a hair
33 braiding teacher shall include: (i) the practice of hair

1 braiding and dipping, (ii) theory of hair braiding, (iii)
2 methods of teaching, and (iv) school management.

3 This Act does not prohibit the practice as a hair braider
4 or hair braiding teacher by one who has applied in writing to
5 the Department, in form and substance satisfactory to the
6 Department, for a license and has complied with all the
7 provisions of this Act in order to qualify for a license
8 except the passing of an examination until (A) the expiration
9 of 6 months after the filing of the written application, (B)
10 the decision of the Department that the applicant has failed
11 to pass an examination within 6 months or failed without an
12 approved excuse to take an examination conducted within 6
13 months by the Department, or (C) the withdrawal of the
14 application.

15 (225 ILCS 410/3E-35 new)

16 (Section scheduled to be repealed on January 1, 2006)

17 Sec. 3E-35. Grandfathering. The Department shall issue
18 a license as a hair braider under this Article to any
19 applicant who is engaged in the practice of hair braiding and
20 holds a valid license as a cosmetologist on the effective
21 date of this amendatory Act of the 93rd General Assembly.

22 (225 ILCS 410/Art. IIIF heading new)

23 ARTICLE IIIF. HAIR BRAIDING SCHOOLS

24 (225 ILCS 410/3F-5 new)

25 (Section scheduled to be repealed on January 1, 2006)

26 Sec. 3F-5. Application of Article. The provisions of
27 this Article apply only to hair braiding schools regulated
28 under this Act.

29 (225 ILCS 410/3F-10 new)

30 (Section scheduled to be repealed on January 1, 2006)

1 Sec. 3F-10. Investigations.

2 (a) The Department may upon its own motion and shall
3 upon the verified complaint in writing of any person setting
4 forth facts that if proved would constitute grounds for
5 refusal or revocation under this Act investigate the actions
6 of any applicant or any person or persons holding or claiming
7 to hold a license.

8 (b) A student or employee of a hair braiding school
9 licensed under this Act who believes he or she has been
10 aggrieved by a violation of this Act shall have the right to
11 file a written complaint within one year of the alleged
12 violation.

13 (c) The Department shall acknowledge receipt of each
14 written complaint, commence an investigation of the alleged
15 violation, and, if appropriate, forward a copy of the
16 complaint to the Attorney General and the appropriate State's
17 Attorney's office. The Department shall forward a copy of the
18 formal complaint and order to the person who filed the
19 complaint and to the chief operating officer of the school
20 cited in the complaint.

21 (d) Before proceeding to a hearing on the question of
22 whether a license shall be refused or revoked, the Department
23 may issue a letter granting the hair braiding school in
24 question 30 days to correct the deficiency or deficiencies.
25 The letter shall enumerate the deficiencies and state the
26 action on the part of the hair braiding school that will
27 correct the deficiency or deficiencies. During the time
28 designated for correcting deficiencies, the Department may
29 order the school to cease and desist from all marketing and
30 student enrollment activities.

31 (225 ILCS 410/3F-15 new)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 3F-15. Violations; unlawful practices.

1 (a) The following acts or omissions by an owner,
2 operator, or authorized agent of a hair braiding school shall
3 constitute violations of this Act and unlawful practices
4 under the Consumer Fraud and Deceptive Business Practices
5 Act:

6 (1) False or misleading statements,
7 misrepresentations, or false promises that have the
8 tendency or capacity to influence or induce persons to
9 enroll in the course of instruction offered by the
10 school.

11 (2) Failure or refusal of the school to make the
12 disclosures in the enrollment agreement required by this
13 Act or making false or inaccurate statements in those
14 disclosures.

15 (3) Failure or refusal of the school to refund fees
16 and unearned tuition in accordance with the refund policy
17 prescribed by this Act to any student who cancels his or
18 her enrollment agreement.

19 (4) Failure or refusal of the school to employ
20 course instructors licensed by the Department or to
21 provide the equipment, facilities, or services necessary
22 to implement the course of instruction.

23 (b) Whenever the Attorney General or a State's Attorney
24 receives a complaint against a school that alleges one or
25 more of the violations enumerated in subsection (a), the
26 Attorney General or State's Attorney may conduct an
27 investigation to determine the validity of the complaint and,
28 if a violation is found, may use any or all of the remedies,
29 penalties, or authority granted by the Consumer Fraud and
30 Deceptive Business Practices Act to correct the violation and
31 enforce the provisions of this Act. Within 10 business days
32 of receipt, the Department shall transmit to the Attorney
33 General and the appropriate State's Attorney copies of
34 complaints filed in its office that allege one or more of the

1 violations enumerated in subsection (a) of this Section.

2 (225 ILCS 410/3F-20 new)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 3F-20. Offenses.

5 (a) Except as provided in subsection (b), any owner,
6 operator, or authorized agent of a school who violates any
7 provision of this Act shall be guilty of a business offense.
8 The penalty is a fine of not less than \$1,001 and not more
9 than \$1,500.

10 (b) Any owner, operator, or authorized agent of a school
11 who commits any of the following offenses shall be guilty of
12 a Class A misdemeanor for the first offense and a Class 4
13 felony for a second or subsequent offense:

14 (1) Knowingly and for the purpose of influencing or
15 inducing a person to enroll in the course of instruction
16 offered by the school, making any false or misleading
17 statements, misrepresentations, or false promises to a
18 person regarding opportunities upon graduation from the
19 school for (i) employment in a business, industry, or
20 trade, (ii) admission to an institution of higher
21 learning, or (iii) admission to an occupational licensing
22 examination.

23 (2) Knowingly and with intent to defraud retaining
24 any unearned tuition or fees paid by a student who has
25 cancelled his or her enrollment agreement and is entitled
26 to a refund under the school's refund policy as
27 prescribed in this Article.

28 (3) Knowingly and with intent to defraud
29 misrepresenting that any student who has cancelled his or
30 her enrollment agreement is presently enrolled in the
31 school, has completed the course of instruction, or has
32 graduated from the school.

33 (4) Knowingly using or attempting to use students

1 in any commercial or manufacturing activity related to
2 the operation of the school and to the school's advantage
3 and profit, except to the extent that the school provides
4 the student with practical experience supplemental to the
5 course of instruction or except in the case of students
6 who are employed by the school and compensated for that
7 employment.

8 (225 ILCS 410/3F-25 new)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 3F-25. Injunction. Upon application of the
11 Department, the Attorney General, or any State's Attorney,
12 the circuit court of a county in which a violation of this
13 Article or the rules adopted under this Article has occurred
14 shall have jurisdiction to enjoin any such violation.

15 (225 ILCS 410/3F-30 new)

16 (Section scheduled to be repealed on January 1, 2006)

17 Sec. 3F-30. Private right of action. Any person who
18 suffers damages as a result of a violation described or
19 enumerated in this Article committed by any school or its
20 owner, agent, or representative may bring an action against
21 the school. The court, in its discretion, may award actual
22 damages, treble actual damages if fraud is proved, injunctive
23 relief, and any other relief that the court deems proper.

24 The action may be commenced in the county in which the
25 school is located or has its principal place of business, or
26 in the county where the transaction or any substantial
27 portion thereof occurred.

28 In any action brought by a person under this Section, the
29 court may award, in addition to the relief provided in this
30 Section, reasonable attorney's fees and costs to the
31 prevailing party.

32 Either party to an action under this Section may request

1 a trial by jury.

2 (225 ILCS 410/3F-35 new)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 3F-35. Requirements for licensure as a hair
5 braiding school.

6 (a) A person, firm, or corporation may not own, operate,
7 or conduct a school or college of hair braiding for the
8 purpose of teaching hair braiding for compensation without
9 filing an application with the Department on forms provided
10 by the Department, paying the required fees, and complying
11 with all of the following requirements:

12 (1) The applicant must submit all of the following
13 to the Department for approval:

14 (A) A floor plan, drawn to a scale specified
15 on the floor plan, showing every detail of the
16 proposed school.

17 (B) A lease commitment or proof of ownership
18 for the location of the proposed school. A lease
19 commitment must provide for execution of the lease
20 upon the Department's approval of the school's
21 application and the lease must be for a period of at
22 least one year.

23 (C) A written inspection report made by the
24 State Fire Marshal approving the use of the proposed
25 premises as a hair braiding school.

26 (2) The applicant must submit a certified financial
27 statement prepared by a licensed public accountant who is
28 not an employee of the school indicating sufficient
29 finances to guarantee operation for one full year.

30 (3) The proposed hair braiding school or college
31 shall have a minimum of one theory or demonstration room,
32 one workroom, and 2 toilet facilities. The minimum
33 equipment in the workroom shall be 15 hair braiding

1 chairs, one cabinet, and one wet sterilizer for each hair
2 braiding chair, and one scalp-treatment high frequency
3 electricity apparatus for each 15 hair braiding chairs.

4 (b) The municipality in which the proposed new hair
5 braiding school is to be located shall be large enough to
6 support the proposed hair braiding school to the degree that
7 the students who might be enrolled in the proposed hair
8 braiding school would be assured of sufficient practice to
9 enable them to become competent workers.

10 (c) It shall be a requirement for maintaining and
11 renewing a hair braiding school license that the school or
12 college of hair braiding actually provide instruction and
13 teaching, as well as maintain the equipment required by this
14 Section. If a Hair Braiding school ceases operation for any
15 reason, the Department shall place the school's license on
16 inoperative status, without hearing, for a period of up to
17 one year from the date that the school ceases operation.

18 A hair braiding school license on inoperative status may
19 be restored by the Department upon resumption of operation in
20 accordance with the requirements of this Act. A license on
21 inoperative status may not be renewed. A hair braiding school
22 license that remains on inoperative status for a period of
23 one year shall automatically, without hearing, be cancelled.
24 A cancelled license may not be renewed or restored. A person,
25 firm, or corporation whose license has been cancelled and who
26 wishes to own, operate, or conduct a school or college of
27 hair braiding for the purpose of teaching hair braiding for
28 compensation must apply for a new license.

29 (d) The proposed hair braiding school or college shall
30 have a curriculum that includes each of the following
31 subjects: the preparation and care of hair braiding
32 implements, the art of braiding, styling, scalp massaging and
33 treatments by hand, hair braiding anatomy, physiology,
34 bacteriology, sanitation, hair braiding history, Illinois

1 hair braiding law, electricity and light rays, and a course
2 dealing with the common diseases of the skin and methods to
3 avoid the aggravation and spreading thereof in the practice
4 of hair braiding.

5 In a 750-hour hair braiding course all students shall
6 receive a minimum of 350 hours of lectures, demonstrations,
7 or discussions. The remaining 400 hours shall be devoted to
8 practical application of the student's skill in the workroom
9 or to additional theory or other classwork, at the discretion
10 of the instructor.

11 The school shall comply with all rules of the Department
12 establishing the necessary curriculum and equipment required
13 for the conduct of such school.

14 (e) The school shall employ a sufficient number of
15 qualified teachers of hair braiding who are holders of a
16 current license issued by the Department. The staff is
17 sufficient only if the ratio of students to teachers does not
18 exceed 15 students for each hair braiding teacher.

19 (f) The Department shall make a final inspection of the
20 hair braiding school before the school may commence classes.
21 The inspection shall include a determination of whether (i)
22 all of the requirements of subsection (a) have been met, (ii)
23 the school is in compliance with all rules of the Department
24 established for the purpose of determining the necessary
25 curriculum and equipment required for the school, and (iii) a
26 sufficient number of qualified teachers of hair braiding who
27 are holders of current licenses issued by the Department are
28 employed.

29 Upon meeting all of the requirements of this subsection, the
30 Department may issue a license and the school may commence
31 classes.

32 (g) No hair braiding school may cease operation without
33 first delivering its student records to a place of
34 safekeeping in accordance with Department rule.

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

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 4-1. Powers and duties of Department. The
4 Department shall exercise, subject to the provisions of this
5 Act, the following functions, powers and duties:

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

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

20 (3) To prescribe rules for:

21 (i) The method of examination of candidates for
22 licensure as a cosmetologist, esthetician, nail
23 technician, hair braider, or barber or cosmetology,
24 esthetics, nail technology, or barbering teacher.

25 (ii) Minimum standards as to what constitutes an
26 approved school of cosmetology, esthetics, nail
27 technology, hair braiding, or barbering.

28 (4) To conduct investigations or hearings on proceedings
29 to determine disciplinary action.

30 (5) To prescribe reasonable rules governing the sanitary
31 regulation and inspection of cosmetology, esthetics, nail
32 technology, or barbering schools.

33 (6) To prescribe, subject to and consistent with the
34 provisions of Section 4-1.5, reasonable rules for the method

1 of renewal for each license as a cosmetologist, esthetician,
2 nail technician, hair braider, or barber or cosmetology,
3 esthetics, nail technology, or barbering teacher or
4 cosmetology, esthetics, or nail technology clinic teacher.

5 (7) To prescribe reasonable rules for the method of
6 registration, the issuance, fees, renewal and discipline of a
7 certificate of registration for the ownership or operation of
8 cosmetology, esthetics, and nail technology salons, hair
9 braiding shops, and barber shops.

10 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

11 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

12 (Section scheduled to be repealed on January 1, 2006)

13 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
14 Technology, and Hair Braiding Committee. There is
15 established within the Department the Barber, Cosmetology,
16 Esthetics, and Nail Technology, and Hair Braiding Committee,
17 composed of 16 ~~11~~ persons designated from time to time by the
18 Director to advise the Director in all matters related to the
19 practice of barbering, cosmetology, esthetics, and nail
20 technology, and hair braiding.

21 The 16 ~~11~~ members of the Committee shall be appointed as
22 follows: 6 licensed cosmetologists, all of whom hold a
23 current license as a cosmetologist or cosmetology teacher
24 and, for appointments made after the effective date of this
25 amendatory Act of 1996, at least 2 of whom shall be an owner
26 of or a major stockholder in a school of cosmetology, one of
27 whom shall be a representative of a franchiser with 5 or more
28 locations within the State, one of whom shall be a
29 representative of an owner operating salons in 5 or more
30 locations within the State, one of whom shall be an
31 independent salon owner, and no one of the cosmetologist
32 members shall be a manufacturer, jobber, or stockholder in a
33 factory of cosmetology articles or an immediate family member

1 of any of the above; 2 members ~~of whom~~ shall be barbers
3 holding a current license; 5 members shall be licensed hair
4 braiders; one member who shall be a licensed esthetician or
5 esthetics teacher; one member who shall be a licensed nail
6 technician or nail technology teacher; and one public member
7 who holds no licenses issued by the Department. The Director
8 shall give due consideration for membership to
9 recommendations by members of the professions and by their
10 professional organizations. Members shall serve 4 year terms
11 and until their successors are appointed and qualified. No
12 member shall be reappointed to the Committee for more than 2
13 terms. Appointments to fill vacancies shall be made in the
14 same manner as original appointments for the unexpired
15 portion of the vacated term. Members of the Committee in
16 office on the effective date of this amendatory Act of 1996
17 shall continue to serve for the duration of the terms to
18 which they have been appointed, but beginning on that
19 effective date all appointments of licensed cosmetologists
20 and barbers to serve as members of the Committee shall be
21 made in a manner that will effect at the earliest possible
22 date the changes made by this amendatory Act of 1996 in the
23 representative composition of the Committee.

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

26 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
27 90-580, eff. 5-21-98.)

28 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 4-4. Issuance of license. Whenever the provisions
31 of this Act have been complied with, the Department shall
32 issue a license as a cosmetologist, esthetician, nail
33 technician, hair braider, or barber, a license as a

1 cosmetology, esthetics, nail technology, or barbering
2 teacher, or a license as a cosmetology, esthetics, or nail
3 technology clinic teacher as the case may be.

4 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

5 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

6 (Section scheduled to be repealed on January 1, 2006)

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

9 (a) If any person violates the provisions of this Act,
10 the Director may, in the name of the People of the State of
11 Illinois, through the Attorney General of the State of
12 Illinois, petition, for an order enjoining such violation or
13 for an order enforcing compliance with this Act. Upon the
14 filing of a verified petition in such court, the court may
15 issue a temporary restraining order, without notice or bond,
16 and may preliminarily and permanently enjoin such violation,
17 and if it is established that such person has violated or is
18 violating the injunction, the Court may punish the offender
19 for contempt of court. Proceedings under this Section shall
20 be in addition to, and not in lieu of, all other remedies and
21 penalties provided by this Act.

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

30 (c) Whenever in the opinion of the Department any person
31 violates any provision of this Act, the Department may issue
32 a rule to show cause why an order to cease and desist should
33 not be entered against him. The rule shall clearly set forth

1 the grounds relied upon by the Department and shall provide a
2 period of 7 days from the date of the rule to file an answer
3 to the satisfaction of the Department. Failure to answer to
4 the satisfaction of the Department shall cause an order to
5 cease and desist to be issued immediately.

6 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

7 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 4-19. Emergency suspension. The Director may
10 temporarily suspend the license of a barber, cosmetologist,
11 nail technician, hair braider, esthetician or teacher thereof
12 or of a cosmetology, esthetics, or nail technology clinic
13 teacher without a hearing, simultaneously with the
14 institution of proceedings for a hearing provided for in
15 Section 4-10 of this Act, if the Director finds that evidence
16 in his possession indicates that the licensee's continuation
17 in practice would constitute an imminent danger to the
18 public. In the event that the Director suspends,
19 temporarily, this license without a hearing, a hearing must
20 be held within 30 days after such suspension has occurred.

21 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

22 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

23 (Section scheduled to be repealed on January 1, 2006)

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

30 (1) The practice of cosmetology, nail technology,
31 esthetics, hair braiding, or barbering or an attempt to
32 practice cosmetology, nail technology, esthetics, hair

1 braiding, or barbering without a license as a cosmetologist,
2 nail technician, esthetician, hair braider, or barber or a
3 cosmetology, nail technology, esthetics, or barbering teacher
4 without a license as a cosmetology, nail technology,
5 esthetics or barbering teacher or as a cosmetology,
6 esthetics, or nail technology clinic teacher without a proper
7 license.

8 (2) The obtaining of or an attempt to obtain a license
9 or money or any other thing of value by fraudulent
10 misrepresentation.

11 (3) Practice in the barber, nail technology,
12 cosmetology, hair braiding, or esthetic profession, or an
13 attempt to practice in those professions by fraudulent
14 misrepresentation.

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

17 (5) The violation of any of the provisions of this Act.

18 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

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

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- 225 ILCS 410/1-7.5
- 225 ILCS 410/1-10 from Ch. 111, par. 1701-10
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