



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4790

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

See Index

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Changes the definitions of "Board", "licensed cosmetologist", "licensed cosmetology teacher", "licensed cosmetology clinic teacher", and "licensed hair braiding teacher" to include hair braiding. Also changes the definitions of "cosmetology" and "esthetics" to include the coloring of hair on the body. Removes references to barber clinic teachers, esthetics clinic teachers, hair braiding clinic teachers, and nail technology clinic teachers throughout the Act. Provides that 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. Removes certain requirements that must be met by a person seeking licensure as a barber teacher or an esthetics teacher. Additionally removes certain provisions concerning barber schools. Replaces the term "Committee" with "Board" throughout the Act. Adds a provision allowing the Secretary of Financial and Professional Regulation to waive any requirements under the Act pertaining to the operation of a barber, cosmetology, esthetics, hair braiding, or nail technology school owned or operated by the Department of Corrections and located in a correctional facility. Provides that the Department of Financial and Professional Regulation shall not disclose certain information collected during the course of an examination or investigation under the Act. Makes other changes.

LRB098 16202 ZMM 51261 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 1-2, 1-4, 1-7, 2-4, 2-9, 3-1, 3-7, 3-8, 3A-1,
7 3A-3, 3A-5, 3A-6, 3A-7, 3B-1, 3B-10, 3B-11, 3B-12, 3B-15, 3C-1,
8 3C-3, 3C-7, 3C-8, 3C-9, 4-1, 4-4, 4-5.1, 4-7, 4-8, 4-9, 4-10,
9 4-11, 4-12, 4-14, 4-15, 4-16, 4-17, 4-19, 4-20, and 4-22 and
10 the heading of Article IIIB and by adding Sections 3B-16 and
11 4-24 as follows:

12 (225 ILCS 410/1-2) (from Ch. 111, par. 1701-2)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 1-2. Public Policy. The practices of barbering, ~~and~~
15 cosmetology, esthetics, hair braiding, and nail technology in
16 the State of Illinois are hereby declared to affect the public
17 health, safety and welfare and to be subject to regulation and
18 control in the public interest. It is further declared to be a
19 matter of public interest and concern that the professions
20 merit and receive the confidence of the public and that only
21 qualified persons be permitted to practice said professions in
22 the State of Illinois. This Act shall be liberally construed to
23 carry out these objects and purposes.

1 (Source: P.A. 84-657.)

2 (225 ILCS 410/1-4)

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

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

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

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

10 "Licensed barber" means an individual licensed by the
11 Department to practice barbering as defined in this Act and
12 whose license is in good standing.

13 ~~"Licensed barber clinic teacher" means an individual~~
14 ~~licensed by the Department to practice barbering, as defined in~~
15 ~~this Act, and to provide clinical instruction in the practice~~
16 ~~of barbering in an approved school of barbering.~~

17 "Licensed cosmetologist" means an individual licensed by
18 the Department to practice cosmetology, nail technology, hair
19 braiding, and esthetics as defined in this Act and whose
20 license is in good standing.

21 "Licensed esthetician" means an individual licensed by the
22 Department to practice esthetics as defined in this Act and
23 whose license is in good standing.

24 "Licensed nail technician" means any individual licensed
25 by the Department to practice nail technology as defined in

1 this Act and whose license is in good standing.

2 "Licensed barber teacher" means an individual licensed by
3 the Department to practice barbering as defined in this Act and
4 to provide instruction in the theory and practice of barbering
5 to students in an approved barber school.

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

12 "Licensed cosmetology clinic teacher" means an individual
13 licensed by the Department to practice cosmetology, esthetics,
14 and nail technology as defined in this Act and to provide
15 clinical instruction in the practice of cosmetology,
16 esthetics, hair braiding, and nail technology in an approved
17 school of cosmetology, esthetics, or nail technology.

18 "Licensed esthetics teacher" means an individual licensed
19 by the Department to practice esthetics as defined in this Act
20 and to provide instruction in the theory and practice of
21 esthetics to students in an approved cosmetology or esthetics
22 school.

23 ~~"Licensed esthetics clinic teacher" means an individual~~
24 ~~licensed by the Department to practice esthetics as defined in~~
25 ~~this Act and to provide clinical instruction in the practice of~~
26 ~~esthetics in an approved school of cosmetology or an approved~~

1 ~~school of esthetics.~~

2 "Licensed hair braider" means any individual licensed by
3 the Department to practice hair braiding as defined in Section
4 3E-1 and whose license is in good standing.

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

9 "Licensed nail technology teacher" means an individual
10 licensed by the Department to practice nail technology and to
11 provide instruction in the theory and practice of nail
12 technology to students in an approved nail technology school or
13 cosmetology school.

14 ~~"Licensed nail technology clinic teacher" means an~~
15 ~~individual licensed by the Department to practice nail~~
16 ~~technology as defined in this Act and to provide clinical~~
17 ~~instruction in the practice of nail technology in an approved~~
18 ~~school of cosmetology or an approved school of nail technology.~~

19 "Enrollment" is the date upon which the student signs an
20 enrollment agreement or student contract.

21 "Enrollment agreement" or "student contract" is any
22 agreement, instrument, or contract however named, which
23 creates or evidences an obligation binding a student to
24 purchase a course of instruction from a school.

25 "Enrollment time" means the maximum number of hours a
26 student could have attended class, whether or not the student

1 did in fact attend all those hours.

2 "Elapsed enrollment time" means the enrollment time
3 elapsed between the actual starting date and the date of the
4 student's last day of physical attendance in the school.

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

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

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

13 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

16 (a) It is unlawful for any person to practice, or to hold
17 himself or herself out to be a cosmetologist, esthetician, nail
18 technician, hair braider, or barber without a license as a
19 cosmetologist, esthetician, nail technician, hair braider or
20 barber issued by the Department of Financial and Professional
21 Regulation pursuant to the provisions of this Act and of the
22 Civil Administrative Code of Illinois. It is also unlawful for
23 any person, firm, partnership, or corporation to own, operate,
24 or conduct a cosmetology, esthetics, nail technology, hair
25 braiding salon, or barber school without a license issued by

1 the Department or to own or operate a cosmetology, esthetics,
2 nail technology, or hair braiding salon or barber shop without
3 a certificate of registration issued by the Department. It is
4 further unlawful for any person to teach in any cosmetology,
5 esthetics, nail technology, hair braiding, or barber college or
6 school approved by the Department or hold himself or herself
7 out as a cosmetology, esthetics, hair braiding, nail
8 technology, or barber teacher without a license as a teacher,
9 issued by the Department or as a ~~barber clinic teacher or~~
10 ~~cosmetology, esthetics, hair braiding, or nail technology~~
11 clinic teacher without a license as a clinic teacher issued by
12 the Department.

13 (b) Notwithstanding any other provision of this Act, a
14 person licensed as a cosmetologist may hold himself or herself
15 out as an esthetician and may engage in the practice of
16 esthetics, as defined in this Act, without being licensed as an
17 esthetician. A person licensed as a cosmetology teacher may
18 teach esthetics or hold himself or herself out as an esthetics
19 teacher without being licensed as an esthetics teacher. A
20 person licensed as a cosmetologist may hold himself or herself
21 out as a nail technician and may engage in the practice of nail
22 technology, as defined in this Act, without being licensed as a
23 nail technician. A person licensed as a cosmetology teacher may
24 teach nail technology and hold himself or herself out as a nail
25 technology teacher without being licensed as a nail technology
26 teacher. A person licensed as a cosmetologist may hold himself

1 or herself out as a hair braider and may engage in the practice
2 of hair braiding, as defined in this Act, without being
3 licensed as a hair braider. A person licensed as a cosmetology
4 teacher may teach hair braiding and hold himself or herself out
5 as a hair braiding teacher without being licensed as a hair
6 braiding teacher.

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

23 (d) The holder of a license issued under this Act may renew
24 that license during the month preceding the expiration date of
25 the license by paying the required fee.

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

1 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

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

3 Sec. 2-4. Licensure as a barber teacher; qualifications.

4 ~~(1)~~ A person is qualified to receive a license as a barber
5 teacher if that person files an application on forms provided
6 by the Department, pays the required fee, and:

7 a. Is at least 18 years of age;

8 b. Has graduated from high school or its equivalent;

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

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

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

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

19 (3) completed the cosmetology teacher training as
20 specified in paragraph (4) of subsection (a) of Section
21 3-4 of this Act and completed a supplemental barbering
22 course as established by rule; and

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

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

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

6 ~~(2) A person is qualified to receive a license as a barber
7 clinic teacher if he or she has applied in writing on forms
8 provided by the Department, has paid the required fees, and:~~

9 ~~(A) is at least 18 years of age;~~

10 ~~(B) has graduated from high school or its equivalent;~~

11 ~~(C) has a current license as a barber;~~

12 ~~(D) has (i) completed a program of 250 hours of clinic
13 teacher training in a licensed school of barbering or (ii)
14 within 5 years preceding the required examination, has
15 obtained a minimum of 2 years of practical experience
16 working at least 30 full time hours per week as a licensed
17 barber and has completed an instructor's institute of 20
18 hours, as prescribed by the Department, prior to submitting
19 an application for examination;~~

20 ~~(E) has passed an examination authorized by the
21 Department to determine eligibility to receive a license as
22 a barber teacher; and~~

23 ~~(F) has met any other requirements of this Act.~~

24 ~~The Department shall not issue any new barber clinic
25 teacher licenses after January 1, 2009. Any person issued a
26 license as a barber clinic teacher before January 1, 2009, may~~

1 ~~renew the license after that date under this Act and that~~
2 ~~person may continue to renew the license or have the license~~
3 ~~restored during his or her lifetime, subject only to the~~
4 ~~renewal or restoration requirements for the license under this~~
5 ~~Act; however, such licensee and license shall remain subject to~~
6 ~~the provisions of this Act, including, but not limited to,~~
7 ~~provisions concerning renewal, restoration, fees, continuing~~
8 ~~education, discipline, administration, and enforcement.~~

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

10 (225 ILCS 410/2-9)

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

12 Sec. 2-9. Degree in barbering at a cosmetology school. A
13 school of cosmetology may offer a degree in barbering, as
14 defined by this Act, provided that the school of cosmetology
15 complies with subsections (c), (d), and (e) of Section 2-2 of
16 this Act; utilizes barber teachers properly licensed under
17 ~~paragraph (1) of~~ Section 2-4 of this Act; and complies with
18 Sections 2A-7 and 3B-10 of this Act.

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

20 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

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

22 Sec. 3-1. Cosmetology defined. Any one or any combination
23 of the following practices constitutes the practice of
24 cosmetology when done for cosmetic or beautifying purposes and

1 not for the treatment of disease or of muscular or nervous
2 disorder: arranging, braiding, dressing, cutting, trimming,
3 curling, waving, chemical restructuring, shaping, singeing,
4 bleaching, coloring or similar work, upon the hair of the head
5 or any cranial prosthesis; cutting or trimming facial hair of
6 any person; any practice of manicuring, pedicuring, decorating
7 nails, applying sculptured nails or otherwise artificial nails
8 by hand or with mechanical or electrical apparatus or
9 appliances, or in any way caring for the nails or the skin of
10 the hands or feet including massaging the hands, arms, elbows,
11 feet, lower legs, and knees of another person for other than
12 the treatment of medical disorders; any practice of epilation
13 or depilation of any person; any practice for the purpose of
14 cleansing, massaging or toning the skin of the scalp;
15 beautifying, massaging, cleansing, exfoliating, or stimulating
16 the stratum corneum of the epidermis by the use of cosmetic
17 preparations, body treatments, body wraps, the use of
18 hydrotherapy, or any device, electrical, mechanical, or
19 otherwise; applying make-up or eyelashes to any person or
20 lightening or coloring hair on the body and removing
21 superfluous hair from the body of any person by the use of
22 depilatories, waxing, threading, or tweezers. The term
23 "cosmetology" does not include the services provided by an
24 electrologist. Nail technology is the practice and the study of
25 cosmetology only to the extent of manicuring, pedicuring,
26 decorating, and applying sculptured or otherwise artificial

1 nails, or in any way caring for the nail or the skin of the
2 hands or feet including massaging the hands, arms, elbows,
3 feet, lower legs, and knees. Cosmetologists are prohibited from
4 using any technique, product, or practice intended to affect
5 the living layers of the skin. The term cosmetology includes
6 rendering advice on what is cosmetically appealing, but no
7 person licensed under this Act shall render advice on what is
8 appropriate medical treatment for diseases of the skin.
9 Purveyors of cosmetics may demonstrate such cosmetic products
10 in conjunction with any sales promotion and shall not be
11 required to hold a license under this Act. Nothing in this Act
12 shall be construed to prohibit the shampooing of hair by
13 persons employed for that purpose and who perform that task
14 under the direct supervision of a licensed cosmetologist or
15 licensed cosmetology teacher.

16 (Source: P.A. 96-1076, eff. 7-16-10.)

17 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

19 Sec. 3-7. Licensure; renewal; continuing education;
20 military service. The holder of a license issued under this
21 Article III may renew that license during the month preceding
22 the expiration date thereof by paying the required fee, giving
23 such evidence as the Department may prescribe of completing not
24 less than 14 hours of continuing education for a cosmetologist,
25 and 24 hours of continuing education for a cosmetology teacher

1 or cosmetology clinic teacher, within the 2 years prior to
2 renewal. The training shall be in subjects approved by the
3 Department as prescribed by rule upon recommendation of the
4 Board ~~Committee~~.

5 A license that has been expired for more than 5 years may
6 be restored by payment of the restoration fee and submitting
7 evidence satisfactory to the Department of the current
8 qualifications and fitness of the licensee, which shall include
9 completion of continuing education hours for the period
10 subsequent to expiration.

11 The Department shall establish by rule a means for the
12 verification of completion of the continuing education
13 required by this Section. This verification may be accomplished
14 through audits of records maintained by registrants, by
15 requiring the filing of continuing education certificates with
16 the Department, or by other means established by the
17 Department.

18 A license issued under the provisions of this Act that has
19 expired while the holder of the license was engaged (1) in
20 federal service on active duty with the Army of the United
21 States, the United States Navy, the Marine Corps, the Air
22 Force, the Coast Guard, or any Women's Auxiliary thereof, or
23 the State Militia called into the service or training of the
24 United States of America, or (2) in training or education under
25 the supervision of the United States preliminary to induction
26 into the military service, may be reinstated or restored

1 without the payment of any lapsed renewal fees, reinstatement
2 fee, or restoration fee if within 2 years after the termination
3 of such service, training, or education other than by
4 dishonorable discharge, the holder furnishes the Department
5 with an affidavit to the effect that he or she has been so
6 engaged and that his or her service, training, or education has
7 been so terminated.

8 The Department, in its discretion, may waive enforcement of
9 the continuing education requirement in this Section and shall
10 adopt rules defining the standards and criteria for that waiver
11 under the following circumstances:

12 (a) the licensee resides in a locality where it is
13 demonstrated that the absence of opportunities for such
14 education would interfere with the ability of the licensee
15 to provide service to the public;

16 (b) that to comply with the continuing education
17 requirements would cause a substantial financial hardship
18 on the licensee;

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

21 (d) that the licensee is incapacitated due to illness.

22 The continuing education requirements of this Section do
23 not apply to a licensee who (i) is at least 62 years of age or
24 (ii) has been licensed as a cosmetologist, cosmetology teacher,
25 or cosmetology clinic teacher for at least 25 years.

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

1 (225 ILCS 410/3-8) (from Ch. 111, par. 1703-8)

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

3 Sec. 3-8. Cosmetologists or cosmetology teachers, ~~and~~
4 ~~cosmetology clinic teachers~~ registered or licensed elsewhere.

5 (a) Except as otherwise provided in this Act, upon payment
6 of the required fee, an applicant who is a cosmetologist or
7 cosmetology teacher, ~~or cosmetology clinic teacher~~ registered
8 or licensed under the laws of a foreign country or province may
9 be granted a license as a licensed cosmetologist or
10 cosmetology teacher, ~~or cosmetology clinic teacher~~ by the
11 Department in its discretion upon the following conditions:

12 (1) The cosmetologist applicant is at least 16 years of
13 age and the cosmetology teacher ~~or cosmetology clinic~~
14 ~~teacher~~ applicant is at least 18 years of age; and

15 (2) The requirements for the registration or licensing
16 of cosmetologists or cosmetology teachers, ~~or cosmetology~~
17 ~~clinic teachers~~ in the particular country or province were,
18 at the date of the license, substantially equivalent to the
19 requirements then in force for cosmetologists or
20 cosmetology teachers, ~~or cosmetology clinic teachers~~ in
21 this State; or the applicant has established proof of legal
22 practice as a cosmetologist or cosmetology teacher, ~~or~~
23 ~~cosmetology clinic teacher~~ in another jurisdiction for at
24 least 3 years; and

25 (3) If the Department, in its discretion and in

1 accordance with the rules, deems it necessary, then the
2 applicant has passed an examination as required by this
3 Act; and

4 (4) The applicant has met any other requirements of
5 this Act.

6 The Department shall prescribe reasonable rules governing
7 the recognition of and the credit to be given to the study of
8 cosmetology under a cosmetologist registered or licensed under
9 the laws of a foreign country or province by an applicant for a
10 license as a cosmetologist, and for the recognition of legal
11 practice in another jurisdiction towards the education
12 required under this Act.

13 (b) Except as otherwise provided in this Act, upon payment
14 of the required fee, an applicant who is a cosmetologist or
15 cosmetology teacher, ~~or cosmetology clinic teacher~~ registered
16 or licensed under the laws of another state or territory of the
17 United States shall, without examination, be granted a license
18 as a licensed cosmetologist or cosmetology teacher, ~~or~~
19 ~~cosmetology clinic teacher~~, whichever is applicable, by the
20 Department upon the following conditions:

21 (1) The cosmetologist applicant is at least 16 years of
22 age and the cosmetology teacher ~~or cosmetology clinic~~
23 ~~teacher~~ applicant is at least 18 years of age; and

24 (2) The applicant submits to the Department
25 satisfactory evidence that the applicant is registered or
26 licensed in another state or territory as a cosmetologist

1 ~~or~~ cosmetology teacher, ~~or cosmetology clinic teacher;~~

2 and

3 (3) The applicant has met any other requirements of
4 this Act.

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

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

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

8 Sec. 3A-1. Esthetics defined.

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

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

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 of
5 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. 96-1076, eff. 7-16-10.)

17 (225 ILCS 410/3A-3) (from Ch. 111, par. 1703A-3)

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

19 Sec. 3A-3. Licensure as an esthetics teacher;
20 qualifications.

21 (a) A person is qualified to receive a license as an
22 esthetics teacher if that person has applied in writing on
23 forms supplied by the Department, paid the required fees, and:

24 (1) is at least 18 years of age;

25 (2) has graduated from high school or its equivalent;

1 (3) has a current license as a licensed cosmetologist
2 or esthetician;

3 (4) has either: (i) completed a program of 500 hours of
4 teacher training in a licensed school of cosmetology or a
5 licensed esthetics school and had 2 years of practical
6 experience as a licensed cosmetologist or esthetician
7 within 5 years preceding the examination; or (ii) completed
8 a program of 750 hours of teacher training in a licensed
9 school of cosmetology approved by the Department to teach
10 esthetics or a licensed esthetics school;

11 (5) has passed an examination authorized by the
12 Department to determine eligibility to receive a license as
13 a licensed cosmetology or esthetics teacher;

14 (6) (blank); and

15 (7) has met any other requirements as required by this
16 Act.

17 (b) (Blank). ~~A person is qualified to receive a license as~~
18 ~~an esthetics clinic teacher if that person has applied in~~
19 ~~writing on forms supplied by the Department, paid the required~~
20 ~~fees, and:~~

21 ~~(1) is at least 18 years of age;~~

22 ~~(2) has graduated from high school or its equivalent;~~

23 ~~(3) has a current license as a licensed cosmetologist~~
24 ~~or esthetician;~~

25 ~~(4) has (i) completed a program of 250 hours of clinic~~
26 ~~teacher training in a licensed school of cosmetology~~

1 ~~approved by the Department to teach esthetics or a licensed~~
2 ~~esthetics school or (ii) within 5 years preceding the~~
3 ~~examination, has obtained a minimum of 2 years of practical~~
4 ~~experience working at least 30 full-time hours per week as~~
5 ~~a licensed cosmetologist or esthetician and has completed~~
6 ~~an instructor's institute of 20 hours, as prescribed by the~~
7 ~~Department, prior to submitting an application for~~
8 ~~examination;~~

9 ~~(5) has passed an examination authorized by the~~
10 ~~Department to determine eligibility to receive a license as~~
11 ~~a licensed cosmetology teacher or licensed esthetics~~
12 ~~teacher;~~

13 ~~(6) (blank); and~~

14 ~~(7) has met any other requirements required by this~~
15 ~~Act.~~

16 ~~The Department shall not issue any new esthetics clinic~~
17 ~~teacher licenses after January 1, 2009. Any person issued a~~
18 ~~license as an esthetics clinic teacher before January 1, 2009,~~
19 ~~may renew the license after that date under this Act and that~~
20 ~~person may continue to renew the license or have the license~~
21 ~~restored during his or her lifetime, subject only to the~~
22 ~~renewal or restoration requirements for the license under this~~
23 ~~Act; however, such licensee and license shall remain subject to~~
24 ~~the provisions of this Act, including, but not limited to,~~
25 ~~provisions concerning renewal, restoration, fees, continuing~~
26 ~~education, discipline, administration, and enforcement.~~

1 (c) An applicant who is issued a license as an esthetics
2 teacher ~~or esthetics clinic teacher~~ is not required to maintain
3 an esthetics license in order to practice as an esthetician as
4 defined in this Act.

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

6 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

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

8 Sec. 3A-5. Examination.

9 (a) The Department shall authorize examinations of
10 applicants for a license as an esthetician or teacher of
11 esthetics at such times and places as it may determine. The
12 Department shall authorize no fewer than 4 examinations for a
13 license as an esthetician or a teacher of esthetics in a
14 calendar year.

15 If an applicant neglects, fails without an approved excuse,
16 or refuses to take the next available examination offered for
17 licensure under this Act, the fee paid by the applicant shall
18 be forfeited to the Department and the application denied. If
19 an applicant fails to pass an examination for licensure under
20 this Act within 3 years after filing his or her application,
21 the application shall be denied. However, such applicant may
22 thereafter make a new application for examination, accompanied
23 by the required fee, if he or she meets the requirements in
24 effect at the time of reapplication. If an applicant for
25 licensure as an esthetician is unsuccessful at 3 examinations

1 conducted by the Department, the applicant shall, before taking
2 a subsequent examination, furnish evidence of not less than 125
3 hours of additional study of esthetics in an approved school of
4 cosmetology or esthetics since the applicant last took the
5 examination. If an applicant for licensure as an esthetics
6 teacher ~~or esthetics clinic teacher~~ is unsuccessful at 3
7 examinations conducted by the Department, the applicant shall,
8 before taking a subsequent examination, furnish evidence of not
9 less than 80 hours of additional study in teaching methodology
10 and educational psychology in a licensed school of cosmetology
11 or esthetics since the applicant last took the examination. An
12 applicant who fails to pass a fourth examination shall not
13 again be admitted to an examination unless (i) in the case of
14 an applicant for licensure as an esthetician, the applicant
15 shall again take and complete a program of 750 hours in the
16 study of esthetics in a licensed school of cosmetology approved
17 to teach esthetics or a school of esthetics, extending over a
18 period that commences after the applicant fails to pass the
19 fourth examination and that is not less than 18 weeks nor more
20 than 4 consecutive years in duration; or (ii) in the case of an
21 applicant for a license as an esthetics teacher, the applicant
22 shall again take and complete a program of 750 hours of teacher
23 training in a school of cosmetology approved to teach esthetics
24 or a school of esthetics, except that if the applicant had 2
25 years of practical experience as a licensed cosmetologist or
26 esthetician within 5 years preceding the initial examination

1 taken by the applicant, the applicant must again take and
2 complete a program of 500 hours of teacher training in licensed
3 cosmetology or a licensed esthetics school; ~~or (iii) in the~~
4 ~~ease of an applicant for a license as an esthetics clinic~~
5 ~~teacher, the applicant shall again take and complete a program~~
6 ~~of 250 hours of clinic teacher training in a licensed school of~~
7 ~~cosmetology or a licensed school of esthetics.~~

8 (b) Each applicant shall be given a written examination
9 testing both theoretical and practical knowledge which shall
10 include, but not be limited to, questions that determine the
11 applicant's knowledge, as provided by rule.

12 (c) The examination of applicants for licensure as an
13 esthetics teacher may include:

14 (1) teaching methodology;

15 (2) classroom management; and

16 (3) record keeping and any other subjects that the
17 Department may deem necessary to insure competent
18 performance.

19 (d) This Act does not prohibit the practice of esthetics by
20 one who has applied in writing to the Department, in form and
21 substance satisfactory to the Department, for a license as an
22 esthetician or, an esthetics teacher, ~~or an esthetics clinic~~
23 ~~teacher~~ and has complied with all the provisions of this Act in
24 order to qualify for a license, except the passing of an
25 examination to be eligible to receive such license certificate,
26 until: (i) the expiration of 6 months after the filing of such

1 written application, or (ii) the decision of the Department
2 that the applicant has failed to pass an examination within 6
3 months or failed without an approved excuse to take an
4 examination conducted within 6 months by the Department, or
5 (iii) the withdrawal of the application.

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

7 (225 ILCS 410/3A-6) (from Ch. 111, par. 1703A-6)

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

9 Sec. 3A-6. Licensure; renewal; continuing education;
10 examination; military service. The holder of a license issued
11 under this Article may renew such license during the month
12 preceding the expiration date thereof by paying the required
13 fee, giving evidence the Department may prescribe of completing
14 not less than 10 hours for estheticians, and not less than 20
15 hours of continuing education for esthetics teachers ~~or~~
16 ~~esthetics clinic teachers~~, within the 2 years prior to renewal.
17 The training shall be in subjects, approved by the Department
18 as prescribed by rule upon recommendation of the Board
19 ~~Committee~~.

20 A license that has expired or been placed on inactive
21 status may be restored only by payment of the restoration fee
22 and submitting evidence satisfactory to the Department of the
23 current qualifications and fitness of the licensee including
24 the completion of continuing education hours for the period
25 following expiration.

1 A license issued under the provisions of this Act that has
2 expired while the holder of the license was engaged (1) in
3 federal service on active duty with the Army of the United
4 States, the United States Navy, the Marine Corps, the Air
5 Force, the Coast Guard, or any Women's Auxiliary thereof, or
6 the State Militia called into the service or training of the
7 United States of America, or (2) in training or education under
8 the supervision of the United States preliminary to induction
9 into the military service, may be reinstated or restored
10 without the payment of any lapsed renewal fees, reinstatement
11 fee, or restoration fee if within 2 years after the termination
12 of such service, training, or education other than by
13 dishonorable discharge, the holder furnishes the Department
14 with an affidavit to the effect that he or she has been so
15 engaged and that his or her service, training, or education has
16 been so terminated.

17 The Department, in its discretion, may waive enforcement of
18 the continuing education requirement in this Section, and shall
19 adopt rules defining the standards and criteria for such
20 waiver, under the following circumstances:

21 (1) the licensee resides in a locality where it is
22 demonstrated that the absence of opportunities for such
23 education would interfere with the ability of the licensee to
24 provide service to the public;

25 (2) the licensee's compliance with the continuing
26 education requirements would cause a substantial financial

1 hardship on the licensee;

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

4 (4) the licensee is incapacitated due to illness.

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

6 (225 ILCS 410/3A-7) (from Ch. 111, par. 1703A-7)

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

8 Sec. 3A-7. Estheticians licensed elsewhere. Upon payment
9 of the required fee, an applicant who is an esthetician
10 registered or licensed under the laws of another state or
11 territory of the United States or of a foreign country or
12 province may, without examination, be granted a license as a
13 licensed esthetician by the Department in its discretion upon
14 the following conditions:

15 (a) In the case of an esthetician registered or licensed
16 elsewhere,

17 (1) The applicant is at least 16 years of age; and

18 (2) The requirements for the registration or licensing
19 of estheticians in the particular state, territory,
20 country, or province were at the date of the license
21 substantially equivalent to the requirements then in force
22 in this State.

23 (b) In the case of an esthetics teacher ~~or esthetics clinic~~
24 ~~teacher~~ registered or licensed elsewhere,

25 (1) The applicant is at least 18 years of age; and

1 braiding, and nail technology schools regulated under this Act.
2 (Source: P.A. 96-1246, eff. 1-1-11.)

3 (225 ILCS 410/3B-10)

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

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

17 1. The applicant must submit to the Department for
18 approval:

19 a. A floor plan, drawn to a scale specified on the
20 floor plan, showing every detail of the proposed
21 school; and

22 b. A lease commitment or proof of ownership for the
23 location of the proposed school; a lease commitment
24 must provide for execution of the lease upon the
25 Department's approval of the school's application and

1 the lease must be for a period of at least one year.

2 c. (Blank).

3 2. An application to own or operate a school shall
4 include the following:

5 a. If the owner is a corporation, a copy of the
6 Articles of Incorporation;

7 b. If the owner is a partnership, a listing of all
8 partners and their current addresses;

9 c. If the applicant is an owner, a completed
10 financial statement showing the owner's ability to
11 operate the school for at least 3 months;

12 d. A copy of the official enrollment agreement or
13 student contract to be used by the school, which shall
14 be consistent with the requirements of this Act and
15 rules;

16 e. A listing of all teachers who will be in the
17 school's employ, including their teacher license
18 numbers;

19 f. A copy of the curricula that will be followed;

20 g. The names, addresses, and current status of all
21 schools in which the applicant has previously owned any
22 interest, and a declaration as to whether any of these
23 schools were ever denied accreditation or licensing or
24 lost accreditation or licensing from any governmental
25 body or accrediting agency;

26 h. Each application for a certificate of approval

1 shall be signed and certified under oath by the
2 school's chief managing employee and also by its
3 individual owner or owners; if the applicant is a
4 partnership or a corporation, then the application
5 shall be signed and certified under oath by the
6 school's chief managing employee and also by each
7 member of the partnership or each officer of the
8 corporation, as the case may be;

9 i. A copy of the school's official transcript; and

10 j. The required fee.

11 3. Each application for a license to operate a school
12 shall also contain the following commitments:

13 a. To conduct the school in accordance with this
14 Act and the standards, and rules from time to time
15 adopted under this Act and to meet standards and
16 requirements at least as stringent as those required by
17 Part H of the Federal Higher Education Act of 1965.

18 b. To permit the Department to inspect the school
19 or classes thereof from time to time with or without
20 notice; and to make available to the Department, at any
21 time when required to do so, information including
22 financial information pertaining to the activities of
23 the school required for the administration of this Act
24 and the standards and rules adopted under this Act;

25 c. To utilize only advertising and solicitation
26 which is free from misrepresentation, deception,

1 fraud, or other misleading or unfair trade practices;

2 d. To screen applicants to the school prior to
3 enrollment pursuant to the requirements of the
4 school's regional or national accrediting agency, if
5 any, and to maintain any and all records of such
6 screening. If the course of instruction is offered in a
7 language other than English, the screening shall also
8 be performed in that language;

9 e. To post in a conspicuous place a statement,
10 developed by the Department, of student's rights
11 provided under this Act.

12 4. The applicant shall establish to the satisfaction of
13 the Department that the owner possesses sufficient liquid
14 assets to meet the prospective expenses of the school for a
15 period of 3 months. In the discretion of the Department,
16 additional proof of financial ability may be required.

17 5. The applicant shall comply with all rules of the
18 Department determining the necessary curriculum and
19 equipment required for the conduct of the school.

20 6. The applicant must demonstrate employment of a
21 sufficient number of qualified teachers who are holders of
22 a current license issued by the Department.

23 7. A final inspection of the barber, cosmetology,
24 esthetics, hair braiding, or nail technology school shall
25 be made by the Department before the school may commence
26 classes.

1 8. A written inspection report must be made by the
2 State Fire Marshal or a local fire authority approving the
3 use of the proposed premises as a barber, cosmetology,
4 esthetics, hair braiding, or nail technology school.
5 (Source: P.A. 98-238, eff. 1-1-14.)

6 (225 ILCS 410/3B-11)

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

8 Sec. 3B-11. Periodic review of barber, cosmetology,
9 esthetics, hair braiding, and nail technology schools. The
10 Department shall review at least biennially all approved
11 schools and courses of instruction. The biennial review shall
12 include consideration of a comparison between the graduation or
13 completion rate for the school and the graduation or completion
14 rate for the schools within that classification of schools.
15 Consideration shall be given to complaints and information
16 forwarded to the Department by the Federal Trade Commission,
17 Better Business Bureaus, the Illinois Attorney General's
18 Office, a State's Attorney's Office, other State or official
19 approval agencies, local school officials, and interested
20 persons. The Department shall investigate all complaints filed
21 with the Department about a school or its sales
22 representatives.

23 A school shall retain the records, as defined by rule, of a
24 student who withdraws from or drops out of the school, by
25 written notice of cancellation or otherwise, for any period

1 longer than 7 years from the student's first day of attendance.
2 However, a school shall retain indefinitely the transcript of
3 each student who completes the program and graduates from the
4 school.

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

6 (225 ILCS 410/3B-12)

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

8 Sec. 3B-12. Enrollment agreements.

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

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

15 (2) The name and description of the course of
16 instruction, including the number of clock hours in each
17 course and an approximate number of weeks or months
18 required for completion;

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

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

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

1 and accepted by the school;

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

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

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

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

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

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

24 (12) The graduation requirements of the school;

25 (13) The contents of the following notice, in at least
26 10 point bold type:

1 "NOTICE TO THE STUDENT"

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

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

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

16 (b) If the enrollment is negotiated orally in a language
17 other than English, then copies of the above disclosures shall
18 be tendered in the language in which the contract was
19 negotiated prior to executing the enrollment agreement.

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

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

26 (e) Any provision in an enrollment agreement or student

1 contract that purports to waive the student's right to assert
2 against the school, or any assignee, any claim or defense he or
3 she may have against the school arising under the contract
4 shall be void.

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

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

10 (225 ILCS 410/3B-15)

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

12 Sec. 3B-15. Grounds for disciplinary action. In addition to
13 any other cause herein set forth the Department may refuse to
14 issue or renew and may suspend, place on probation, or revoke
15 any license to operate a school, or take any other disciplinary
16 or non-disciplinary action that the Department may deem proper,
17 including the imposition of fines not to exceed \$5,000 for each
18 violation, for any one or any combination of the following
19 causes:

20 (1) Repeated violation of any provision of this Act or
21 any standard or rule established under this Act.

22 (2) Knowingly furnishing false, misleading, or
23 incomplete information to the Department or failure to
24 furnish information requested by the Department.

25 (3) Violation of any commitment made in an application

1 for a license, including failure to maintain standards that
2 are the same as, or substantially equivalent to, those
3 represented in the school's applications and advertising.

4 (4) Presenting to prospective students information
5 relating to the school, or to employment opportunities or
6 opportunities for enrollment in institutions of higher
7 learning after entering into or completing courses offered
8 by the school, that is false, misleading, or fraudulent.

9 (5) Failure to provide premises or equipment or to
10 maintain them in a safe and sanitary condition as required
11 by law.

12 (6) Failure to maintain financial resources adequate
13 for the satisfactory conduct of the courses of instruction
14 offered or to retain a sufficient and qualified
15 instructional and administrative staff.

16 (7) Refusal to admit applicants on account of race,
17 color, creed, sex, physical or mental handicap unrelated to
18 ability, religion, or national origin.

19 (8) Paying a commission or valuable consideration to
20 any person for acts or services performed in violation of
21 this Act.

22 (9) Attempting to confer a fraudulent degree, diploma,
23 or certificate upon a student.

24 (10) Failure to correct any deficiency or act of
25 noncompliance under this Act or the standards and rules
26 established under this Act within reasonable time limits

1 set by the Department.

2 (11) Conduct of business or instructional services
3 other than at locations approved by the Department.

4 (12) Failure to make all of the disclosures or making
5 inaccurate disclosures to the Department or in the
6 enrollment agreement as required under this Act.

7 (13) Failure to make appropriate refunds as required by
8 this Act.

9 (14) Denial, loss, or withdrawal of accreditation by
10 any accrediting agency.

11 (15) During any calendar year, having a failure rate of
12 25% or greater for those of its students who for the first
13 time take the examination authorized by the Department to
14 determine fitness to receive a license as a barber, barber
15 teacher, cosmetologist, cosmetology teacher, esthetician,
16 esthetician teacher, hair braider, hair braiding teacher,
17 nail technician, or nail technology teacher, provided that
18 a student who transfers into the school having completed
19 50% or more of the required program and who takes the
20 examination during that calendar year shall not be counted
21 for purposes of determining the school's failure rate on an
22 examination, without regard to whether that transfer
23 student passes or fails the examination.

24 (16) Failure to maintain a written record indicating
25 the funds received per student and funds paid out per
26 student. Such records shall be maintained for a minimum of

1 7 years and shall be made available to the Department upon
2 request. Such records shall identify the funding source and
3 amount for any student who has enrolled as well as any
4 other item set forth by rule.

5 (17) Failure to maintain a copy of the student record
6 as defined by rule.

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

8 (225 ILCS 410/3B-16 new)

9 Sec. 3B-16. Department of Corrections. The Secretary may
10 waive any requirement of this Act or of the rules enacted by
11 the Department pursuant to this Act pertaining to the operation
12 of a barber, cosmetology, esthetics, hair braiding, or nail
13 technology school owned or operated by the Department of
14 Corrections and located in a correctional facility to educate
15 inmates that is inconsistent with the mission or operations of
16 the Department of Corrections or is detrimental to the safety
17 and security of any correctional facility. Nothing in this
18 Section 3B-16 exempts the Department of Corrections from the
19 necessity of licensure.

20 (225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

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

22 Sec. 3C-1. Definitions. "Nail technician" means any person
23 who for compensation manicures, pedicures, or decorates nails,
24 applies artificial applications by hand or with mechanical or

1 electrical apparatus or appliances, or in any way beautifies
2 the nails or the skin of the hands or feet including massaging
3 the hands, arms, elbows, feet, lower legs, and knees of another
4 person for other than the treatment of medical disorders.

5 However, nail technicians are prohibited from using
6 techniques, products, and practices intended to affect the
7 living layers of the skin. The term nail technician includes
8 rendering advice on what is cosmetically appealing, but no
9 person licensed under this Act shall render advice on what is
10 appropriate medical treatment for diseases of the nails or
11 skin.

12 "Nail technician teacher" means an individual licensed by
13 the Department to provide instruction in the theory and
14 practice of nail technology to students in an approved nail
15 technology school.

16 ~~"Licensed nail technology clinic teacher" means an~~
17 ~~individual licensed by the Department to practice nail~~
18 ~~technology as defined in this Act and to provide clinical~~
19 ~~instruction in the practice of nail technology in an approved~~
20 ~~school of cosmetology or an approved school of nail technology.~~

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

22 (225 ILCS 410/3C-3) (from Ch. 111, par. 1703C-3)

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

24 Sec. 3C-3. Licensure as a nail technology teacher ~~or nail~~
25 ~~technology clinic teacher~~; qualifications.

1 (a) A person is qualified to receive a license as a nail
2 technology teacher if that person has filed an application on
3 forms provided by the Department, paid the required fee, and:

4 (1) is at least 18 years of age;

5 (2) has graduated from high school or its equivalent;

6 (3) has a current license as a cosmetologist or nail
7 technician;

8 (4) has either: (1) completed a program of 500 hours of
9 teacher training in a licensed school of nail technology or
10 cosmetology, and had 2 years of practical experience as a
11 nail technician; or (2) has completed a program of 625
12 hours of teacher training in a licensed school of
13 cosmetology approved to teach nail technology or school of
14 nail technology; and

15 (5) who has passed an examination authorized by the
16 Department to determine eligibility to receive a license as
17 a cosmetology or nail technology teacher.

18 ~~(b) A person is qualified to receive a license as a nail~~
19 ~~technology clinic teacher if that person has applied in writing~~
20 ~~on forms supplied by the Department, paid the required fees,~~
21 ~~and:~~

22 ~~(1) is at least 18 years of age;~~

23 ~~(2) has graduated from high school or its equivalent;~~

24 ~~(3) has a current license as a licensed cosmetologist~~
25 ~~or nail technician;~~

26 ~~(4) has (i) completed a program of 250 hours of clinic~~

~~teacher training in a licensed school of cosmetology or a licensed nail technology school 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 or nail technician 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 licensed cosmetology teacher or licensed nail technology teacher;~~

~~(6) demonstrates, to the satisfaction of the Department, current skills in the use of machines used in the practice of nail technology; and~~

~~(7) has met any other requirements required by this Act.~~

~~The Department shall not issue any new nail technology clinic teacher licenses after January 1, 2009. Any person issued a license as a nail technology 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~~

1 ~~limited to, provisions concerning renewal, restoration, fees,~~
2 ~~continuing education, discipline, administration, and~~
3 ~~enforcement.~~

4 (b) ~~(e)~~ An applicant who receives a license as a nail
5 technology teacher ~~or nail technology clinic teacher~~ shall not
6 be required to maintain a license as a nail technician.

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

8 (225 ILCS 410/3C-7) (from Ch. 111, par. 1703C-7)

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

10 Sec. 3C-7. Examinations; failure or refusal to take
11 examination. The Department shall authorize examinations of
12 applicants for licenses as nail technicians and teachers of
13 nail technology at the times and places as it may determine.

14 The Department shall authorize not less than 4 examinations
15 for licenses as nail technicians, and nail technology teachers
16 in a calendar year.

17 If an applicant neglects, fails without an approved excuse,
18 or refuses to take the next available examination offered for
19 licensure under this Act, the fee paid by the applicant shall
20 be forfeited to the Department and the application denied. If
21 an applicant fails to pass an examination for licensure under
22 this Act within 3 years after filing an application, the
23 application shall be denied. Nevertheless, the applicant may
24 thereafter make a new application for examination, accompanied
25 by the required fee, if he or she meets the requirements in

1 effect at the time of reapplication. If an applicant for
2 licensure as a nail technician or, nail technology teacher, ~~or~~
3 ~~nail technology clinic teacher~~ is unsuccessful at 3
4 examinations conducted by the Department, the applicant shall,
5 before taking a subsequent examination, furnish evidence of
6 successfully completing (i) for a nail technician, not less
7 than 60 hours of additional study of nail technology in a
8 licensed school of cosmetology approved to teach nail
9 technology or nail technology and (ii) for a nail technology
10 teacher ~~or nail technology clinic teacher~~, not less than 80
11 hours of additional study in teaching methodology and
12 educational psychology in an approved school of cosmetology or
13 nail technology since the applicant last took the examination.

14 An applicant who fails the fourth examination shall not
15 again be admitted to an examination unless: (i) in the case of
16 an applicant for a license as a nail technician, the applicant
17 again takes and completes a total of 350 hours in the study of
18 nail technology in an approved school of cosmetology or nail
19 technology extending over a period that commences after the
20 applicant fails to pass the fourth examination and that is not
21 less than 8 weeks nor more than 2 consecutive years in
22 duration; or (ii) in the case of an applicant for licensure as
23 a nail technology teacher, the applicant again takes and
24 completes a program of 625 hours of teacher training in a
25 licensed ~~an approved~~ school of cosmetology, or nail technology,
26 except that if the applicant had 2 years of practical

1 experience as a licensed nail technician within 5 years
2 preceding the initial examination taken by the applicant, the
3 applicant must again take and complete a program of 500 hours
4 of teacher training in a licensed school of cosmetology
5 approved to teach nail technology, or a licensed school of nail
6 technology ~~or a program of 250 hours of clinic teacher training~~
7 ~~in a licensed school of cosmetology.~~

8 Each applicant for licensure as a nail technician shall be
9 given a written examination testing both theoretical and
10 practical knowledge, which shall include, but not be limited
11 to, questions that determine the applicant's knowledge of
12 product chemistry, sanitary rules, sanitary procedures,
13 hazardous chemicals and exposure minimization, this Act, and
14 labor and compensation laws.

15 The examination for licensure as a nail technology teacher
16 ~~or nail technology clinic teacher~~ may include knowledge of the
17 subject matter, teaching methodology, classroom management,
18 record keeping, and any other subjects that the Department in
19 its discretion may deem necessary to insure competent
20 performance.

21 This Act does not prohibit the practice of nail technology
22 by a person who has applied in writing to the Department, in
23 form and substance satisfactory to the Department, for a
24 license as a nail technician, or the teaching of nail
25 technology by one who has applied in writing to the Department,
26 in form and substance satisfactory to the Department, for a

1 license as a nail technology teacher ~~or nail technology clinic~~
2 ~~teacher~~, if the person has complied with all the provisions of
3 this Act in order to qualify for a license, except the passing
4 of an examination to be eligible to receive a license, until:
5 (a) the expiration of 6 months after the filing of the written
6 application, or (b) the decision of the Department that the
7 applicant has failed to pass an examination within 6 months or
8 failed without an approved excuse to take an examination
9 conducted within 6 months by the Department, or (c) the
10 withdrawal of the application.

11 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

12 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

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

14 Sec. 3C-8. License renewal; expiration; continuing
15 education; persons in military service. The holder of a license
16 issued under this Article may renew that license during the
17 month preceding the expiration date of the license by paying
18 the required fee and giving evidence, as the Department may
19 prescribe, of completing not less than 10 hours of continuing
20 education for a nail technician and 20 hours of continuing
21 education for a nail technology teacher ~~or nail technology~~
22 ~~clinic teacher~~, within the 2 years prior to renewal. The
23 continuing education shall be in subjects approved by the
24 Department upon recommendation of the Barber, Cosmetology,
25 Esthetics, Hair Braiding, and Nail Technology Board ~~Committee~~

1 relating to the practice of nail technology, including, but not
2 limited to, review of sanitary procedures, review of chemical
3 service procedures, review of this Act, and review of the
4 Workers' Compensation Act. However, at least 10 of the hours of
5 continuing education required for a nail technology teacher ~~or~~
6 ~~nail technology clinic teacher~~ shall be in subjects relating to
7 teaching methodology, educational psychology, and classroom
8 management or in other subjects related to teaching.

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

15 A license issued under this Article that has expired while
16 the holder of the license was engaged (1) in federal service on
17 active duty with the Army of the United States, the United
18 States Navy, the Marine Corps, the Air Force, the Coast Guard,
19 or any Women's Auxiliary thereof, or the State Militia called
20 into the service or training of the United States of America,
21 or (2) in training or education under the supervision of the
22 United States preliminary to induction into the military
23 service, may be reinstated or restored without the payment of
24 any lapsed renewal fees, reinstatement fee or restoration fee
25 if, within 2 years after the termination of the service,
26 training, or education other than by dishonorable discharge,

1 the holder furnishes the Department with an affidavit to the
2 effect that the certificate holder has been so engaged and that
3 the service, training, or education has been so terminated.

4 The Department, in its discretion, may waive enforcement of
5 the continuing education requirement in this Section, and shall
6 adopt rules defining the standards and criteria for such
7 waiver, under the following circumstances:

8 (a) the licensee resides in a locality where it is
9 demonstrated that the absence of opportunities for such
10 education would interfere with the ability of the licensee to
11 provide service to the public;

12 (b) the licensee's compliance with the continuing
13 education requirements would cause a substantial financial
14 hardship on the licensee;

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

17 (d) the licensee is incapacitated due to illness.

18 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
19 90-302, eff. 8-1-97.)

20 (225 ILCS 410/3C-9) (from Ch. 111, par. 1703C-9)

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

22 Sec. 3C-9. Nail technicians or nail technology teachers
23 licensed elsewhere ~~Endorsement~~. Upon payment of the required
24 fee, an applicant who is a nail technician or nail technology
25 teacher, ~~or nail technology clinic teacher~~ registered or

1 licensed under the laws of another state or territory of the
2 United States or of a foreign country or province may be
3 granted a license as a nail technician or, nail technician
4 teacher, ~~or nail technology clinic teacher~~ by the Department in
5 its discretion upon the following conditions:

6 (a) For a nail technologist registered or licensed
7 elsewhere:

8 (1) the applicant is at least 16 years of age;

9 (1.5) the applicant has passed an examination
10 authorized by the Department to determine eligibility to
11 receive a license as a nail technician; and

12 (2) the requirements for the registration or licensing
13 of nail technicians in the particular state, territory,
14 country or province were, at the date of licensure,
15 substantially equivalent to the requirements then in force
16 in this State. The Department shall prescribe reasonable
17 rules and regulations governing the recognition of and the
18 credit to be given to the study of nail technology under a
19 cosmetologist or nail technician registered or licensed
20 under the laws of another state or territory of the United
21 States or a foreign country or province by an applicant for
22 a license as a nail technician.

23 (b) For a nail technology teacher ~~or nail technology clinic~~
24 ~~teacher~~ licensed or registered elsewhere:

25 (1) the applicant is at least 18 years of age;

26 (1.5) the applicant has passed an examination

1 authorized by the Department to determine eligibility to
2 receive a license as a nail technology teacher; and

3 (2) the requirements for the licensing of nail
4 technology teachers ~~or nail technology clinic teachers~~ in
5 the other jurisdiction were, at the date of licensure,
6 substantially equivalent to the requirements then in force
7 in this State; or the applicant has established proof of
8 legal practice as a nail technology teacher ~~or nail~~
9 ~~technology clinic teacher~~ in another jurisdiction for at
10 least 3 years.

11 The Department shall allow applicants who have been
12 licensed to practice nail technology in other states a credit
13 of at least 75 hours for each year of experience toward the
14 education required under this Act.

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

16 (225 ILCS 410/4-1)

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

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

21 (1) To cause to be conducted examinations to ascertain
22 the qualifications and fitness of applicants for licensure
23 as cosmetologists, estheticians, nail technicians, hair
24 braiders, or barbers and as cosmetology, esthetics, nail
25 technology, hair braiding, or barber teachers.

1 (2) To determine the qualifications for licensure as
2 (i) a cosmetologist, esthetician, nail technician, hair
3 braider, or barber, or (ii) a cosmetology, esthetics, nail
4 technology, hair braiding, or barber teacher, or (iii) a
5 cosmetology, ~~esthetics, hair braiding, or nail technology~~
6 clinic teacher for persons currently holding similar
7 licenses outside the State of Illinois or the continental
8 U.S.

9 (3) To prescribe rules for:

10 (i) The method of examination of candidates for
11 licensure as a cosmetologist, esthetician, nail
12 technician, hair braider, or barber or cosmetology,
13 esthetics, nail technology, hair braiding, or barber
14 teacher.

15 (ii) Minimum standards as to what constitutes an
16 approved cosmetology, esthetics, nail technology, hair
17 braiding, or barber school.

18 (4) To conduct investigations or hearings on
19 proceedings to determine disciplinary action.

20 (5) To prescribe reasonable rules governing the
21 sanitary regulation and inspection of cosmetology,
22 esthetics, nail technology, hair braiding, or barber
23 schools, salons, or shops.

24 (6) To prescribe reasonable rules for the method of
25 renewal for each license as a cosmetologist, esthetician,
26 nail technician, hair braider, or barber or cosmetology,

1 esthetics, nail technology, hair braiding, or barber
2 teacher or cosmetology, ~~esthetics, hair braiding, or nail~~
3 ~~technology~~ clinic teacher.

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

9 (8) To adopt rules concerning sanitation requirements,
10 requirements for education on sanitation, and any other
11 health concerns associated with threading.

12 (Source: P.A. 96-1076, eff. 7-16-10; 96-1246, eff. 1-1-11;
13 97-333, eff. 8-12-11.)

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

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

16 Sec. 4-4. Issuance of license. Whenever the provisions of
17 this Act have been complied with, the Department shall issue a
18 license as a cosmetologist, esthetician, nail technician, hair
19 braider, or barber, a license as a cosmetology, esthetics, nail
20 technology, hair braiding, or barber teacher, or a license as a
21 cosmetology, ~~esthetics, hair braiding, or nail technology~~
22 clinic teacher as the case may be.

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

24 (225 ILCS 410/4-5.1)

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

2 Sec. 4-5.1. Deposit of fees and fines. Beginning July 1,
3 1995, all of the fees and fines collected under this Act shall
4 be deposited into the General Professions Dedicated Fund.

5 The funds deposited under this Act into the General
6 Professions Dedicated Fund, may be used by the Department to
7 publish and distribute a newsletter to all persons licensed
8 under this Act; such a newsletter should contain information
9 about any changes in the Act or administrative rules concerning
10 licensees ~~cosmetologists, cosmetology teachers, or cosmetology~~
11 ~~clinic teachers~~. If appropriate funding is available, the
12 Department may also distribute to all persons licensed under
13 this Act copies of this Act and the appropriate administrative
14 rules that apply, during the renewal process.

15 (Source: P.A. 90-602, eff. 1-1-99.)

16 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

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

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

8 c. Material misstatement in furnishing information to
9 the Department.

10 d. Making any misrepresentation for the purpose of
11 obtaining a license or violating any provision of this Act
12 or its rules.

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

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

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

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

25 i. Gross malpractice or gross incompetency.

26 j. Continued practice by a person knowingly having an

1 infectious or contagious disease.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (d) the intent or mental state of the licensee at the

1 time of the acts or omissions.

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

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

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

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

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

2 (225 ILCS 410/4-8) (from Ch. 111, par. 1704-8)

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

4 Sec. 4-8. Persons in need of mental treatment. The
5 determination by a circuit court that a licensee is subject to
6 involuntary admission or judicial admission as provided in the
7 Mental Health and Developmental Disabilities Code operates as
8 an automatic suspension. Such suspension shall end only upon a
9 finding by a court that the patient is no longer subject to
10 involuntary admission or judicial admission and issues an order
11 so finding and discharging the patient; and upon the
12 recommendation of the Board ~~Committee~~ to the Secretary that the
13 licensee be allowed to resume his practice.

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

15 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

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

19 (a) If any person violates the provisions of this Act, the
20 Secretary may, in the name of the People of the State of
21 Illinois, through the Attorney General of the State of
22 Illinois, petition, for an order enjoining such violation or
23 for an order enforcing compliance with this Act. Upon the
24 filing of a verified petition in such court, the court may

1 issue a temporary restraining order, without notice or bond,
2 and may preliminarily and permanently enjoin such violation,
3 and if it is established that such person has violated or is
4 violating the injunction, the Court may punish the offender for
5 contempt of court. Proceedings under this Section shall be in
6 addition to, and not in lieu of, all other remedies and
7 penalties provided by this Act.

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

16 (c) Whenever in the opinion of the Department any person
17 violates any provision of this Act, the Department may issue a
18 rule to show cause why an order to cease and desist should not
19 be entered against him. The rule shall clearly set forth the
20 grounds relied upon by the Department and shall provide a
21 period of 7 days from the date of the rule to file an answer to
22 the satisfaction of the Department. Failure to answer to the
23 satisfaction of the Department shall cause an order to cease
24 and desist to be issued immediately.

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

1 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

3 Sec. 4-10. Refusal, suspension and revocation of licenses;
4 investigations and hearing. The Department may upon its own
5 motion and shall, upon the verified complaint in writing of any
6 person setting forth the facts which if proven would constitute
7 grounds for disciplinary action as set forth in Section 4-7,
8 investigate the actions of any person holding or claiming to
9 hold a license. The Department shall, at least 30 days prior to
10 the date set for the hearing, notify in writing the applicant
11 or the holder of that license of any charges made and shall
12 afford the accused person an opportunity to be heard in person
13 or by counsel in reference thereto. The Department shall direct
14 the applicant or licensee to file a written answer to the Board
15 under oath within 20 days after the service of the notice and
16 inform the applicant or licensee that failure to file an answer
17 will result in default being taken against the applicant or
18 licensee and that the license may be suspended, revoked, placed
19 on probationary status, or other disciplinary action may be
20 taken, including limiting the scope, nature or extent of
21 practice, as the Secretary may deem proper. The written notice
22 may be served by the delivery of the notice personally to the
23 accused person, or by mailing the notice by registered or
24 certified mail to the place of business last specified by the
25 accused person in his last notification to the Department. In
26 case the person fails to file an answer after receiving notice,

1 his or her license or certificate may, in the discretion of the
2 Department be suspended, revoked, or placed on probationary
3 status, or the Department, may take whatever disciplinary
4 action deemed proper, including limiting the scope, nature, or
5 extent of the person's practice or the imposition of a fine,
6 without a hearing, if the act or acts charged constitute
7 sufficient grounds for such action under this Act. At the time
8 and place fixed in the notice, the Board Committee ~~designated~~
9 ~~by the Secretary, as provided in this Act,~~ shall proceed to
10 hearing of the charges and ~~both~~ the accused person ~~and the~~
11 ~~complainant~~ shall be accorded ample opportunity to present in
12 person or by counsel, any statements, testimony, evidence and
13 arguments as may be pertinent to the charges or their defense.
14 The Board Committee may continue a hearing from time to time.
15 ~~If the Committee is not sitting at the time and place fixed in~~
16 ~~the notice or at the time and place to which hearing has been~~
17 ~~continued, the Department shall continue the hearing for not~~
18 ~~more than 30 days.~~

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

20 (225 ILCS 410/4-11) (from Ch. 111, par. 1704-11)

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

22 Sec. 4-11. Record of proceedings. The Department, at its
23 expense, shall provide a stenographer to take down the
24 testimony and preserve a record of all proceedings at the
25 hearing of any case wherein a license is revoked or suspended.

1 The notice of hearing, complaint and all other documents in the
2 nature of pleadings and written motions filed in the
3 proceedings, the transcript of testimony, the report of the
4 Board Committee and the orders of the Department shall be the
5 record of such proceedings.

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

7 (225 ILCS 410/4-12) (from Ch. 111, par. 1704-12)

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

9 Sec. 4-12. Department may take testimony - oaths. The
10 Department shall have power to subpoena and bring before it any
11 person in this State and to take testimony either orally or by
12 deposition, or both, with the same fees and mileage and in the
13 same manner as prescribed by law in judicial procedure in civil
14 cases in courts of this State.

15 The Secretary, any hearing officer appointed by the
16 Secretary, and any member of the Board Committee shall each
17 have power to administer oaths to witnesses at any hearing
18 which the Department is authorized by law to conduct, and any
19 other oaths required or authorized in any Act administered by
20 the Department.

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

22 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

24 Sec. 4-14. Report of Board committee; rehearing. The Board

1 ~~Committee~~ shall present to the Secretary its written report of
2 its findings and recommendations. A copy of such report shall
3 be served upon the accused person, either personally or by
4 registered mail as provided in this Section for the service of
5 the citation. Within 20 days after such service, said accused
6 person may present to the Department his or her motion in
7 writing for rehearing, which written motion shall specify the
8 particular grounds therefor. If said accused person shall order
9 and pay for a transcript of the record as provided in this
10 Section, the time elapsing thereafter and before such
11 transcript is ready for delivery to him or her shall not be
12 counted as part of such 20 days. Whenever the Secretary is
13 satisfied that substantial justice has not been done, he or she
14 may order a re-hearing by the same or a special committee. At
15 the expiration of the time specified for filing a motion or a
16 rehearing the Secretary shall have the right to take the action
17 recommended by the Board ~~Committee~~. Upon the suspension or
18 revocation of his or her license a licensee shall be required
19 to surrender his or her license to the Department, and upon his
20 or her failure or refusal so to do, the Department shall have
21 the right to seize the same.

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

23 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

25 Sec. 4-15. Hearing officer. Notwithstanding the

1 provisions of Section 4-10, the Secretary shall have the
2 authority to appoint any attorney duly licensed to practice law
3 in the State of Illinois to serve as the hearing officer in any
4 action for refusal to issue or renew, or discipline of a
5 license. The hearing officer shall have full authority to
6 conduct the hearing. The hearing officer shall report his or
7 her findings and recommendations to the Board ~~Committee~~ and the
8 Secretary. The Board ~~Committee~~ shall have 60 days from receipt
9 of the report to review the report of the hearing officer and
10 present their findings of fact, conclusions of law, and
11 recommendations to the Secretary. If the Board ~~Committee~~ fails
12 to present its report within the 60 day period, then the
13 Secretary shall issue an order based on the report of the
14 hearing officer. If the Secretary determines that the Board's
15 ~~Committee's~~ report is contrary to the manifest weight of the
16 evidence, then he or she may issue an order in contravention of
17 the Board's ~~Committee's~~ report.

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

19 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

21 Sec. 4-16. Order or certified copy; prima facie proof. An
22 order of revocation or suspension or a certified copy thereof,
23 over the seal of the Department and purporting to be signed by
24 the Secretary, shall be prima facie proof that:

25 1. the signature is the genuine signature of the

1 Secretary;

2 2. the Secretary is duly appointed and qualified; and

3 3. the Board ~~Committee~~ and the members thereof are
4 qualified to act.

5 Such proof may be rebutted.

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

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

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

9 Sec. 4-17. Restoration of license. At any time after the
10 successful completion of a term of suspension or revocation of
11 a license ~~any certificate~~, the Department may restore it to the
12 licensee ~~accused person without examination~~, upon the written
13 recommendation of the Board ~~Committee~~.

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

15 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

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

17 Sec. 4-19. Emergency suspension. The Secretary may
18 temporarily suspend the license of a barber, cosmetologist,
19 nail technician, hair braider, esthetician or teacher thereof
20 or of a cosmetology, ~~esthetics, hair braiding, or nail~~
21 ~~technology~~ clinic teacher without a hearing, simultaneously
22 with the institution of proceedings for a hearing provided for
23 in Section 4-10 of this Act, if the Secretary finds that
24 evidence in his possession indicates that the licensee's

1 continuation in practice would constitute an imminent danger to
2 the public. In the event that the Secretary suspends,
3 temporarily, this license without a hearing, a hearing must be
4 commenced ~~held~~ within 30 days after such suspension has
5 occurred.

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

7 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

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

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

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

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

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

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

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

12 (225 ILCS 410/4-22) (from Ch. 111, par. 1704-22)

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

14 Sec. 4-22. Certifications of record; costs. The Department
15 shall not be required to certify any record to the Court or
16 file any answer in court or otherwise appear in any Court in a
17 judicial review proceeding, unless and until the Department has
18 received from the plaintiff there is filed in the Court, with
19 the complaint, a receipt from the Department acknowledging
20 payment of the costs of furnishing and certifying the record,
21 which costs shall be determined by the Department. Exhibits
22 shall be certified without cost. Failure on the part of the
23 plaintiff to file a receipt in Court shall be grounds for
24 dismissal of the action.

25 (Source: P.A. 87-1031.)

1 (225 ILCS 410/4-24 new)

2 Sec. 4-24. Confidentiality. All information collected by
3 the Department in the course of an examination or investigation
4 of a licensee or applicant, including, but not limited to, any
5 complaint against a licensee filed with the Department and
6 information collected to investigate any such complaint, shall
7 be maintained for the confidential use of the Department and
8 shall not be disclosed. The Department may not disclose the
9 information to anyone other than law enforcement officials,
10 other regulatory agencies that have an appropriate regulatory
11 interest as determined by the Secretary, or a party presenting
12 a lawful subpoena to the Department. Information and documents
13 disclosed to a federal, State, county, or local law enforcement
14 agency shall not be disclosed by the agency for any purpose to
15 any other agency or person. A formal complaint filed against a
16 licensee by the Department or any order issued by the
17 Department against a licensee or applicant shall be a public
18 record, except as otherwise prohibited by law.

19 (225 ILCS 410/Art. IIA rep.)

20 Section 10. The Barber, Cosmetology, Esthetics, Hair
21 Braiding, and Nail Technology Act of 1985 is amended by
22 repealing Article IIA.

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