

1 AMENDMENT TO HOUSE BILL 2231

2 AMENDMENT NO. _____. Amend House Bill 2231, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Barber, Cosmetology, Esthetics, and Nail
6 Technology Act of 1985 is amended by changing Section 3-1 and
7 adding Article IIIIE as follows:

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

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 3-1. Cosmetology defined. Any one or any
11 combination of the following practices constitutes the
12 practice of cosmetology when done for cosmetic or beautifying
13 purposes and not for the treatment of disease or of muscular
14 or nervous disorder: arranging, braiding (except as provided
15 under Article IIIIE), dressing, cutting, trimming, curling,
16 waving, chemical restructuring, shaping, singeing, bleaching,
17 coloring or similar work, upon the hair of the head; cutting
18 or trimming facial hair of any person; any practice of
19 manicuring, pedicuring, decorating nails, applying sculptured
20 nails or otherwise artificial nails by hand or with
21 mechanical or electrical apparatus or appliances, or in any
22 way caring for the nails or the skin of the hands or feet

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

1 licensed cosmetology teacher.

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

3 (225 ILCS 410/Art. IIIIE heading new)

4 ARTICLE IIIIE. HAIR BRAIDING SHOPS

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

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

7 Sec. 3E-5. Requisites for ownership or operation of hair
8 braiding shops.

9 (a) No person, firm, partnership, limited liability
10 company, or corporation shall own or operate a hair braiding
11 shop without first applying on forms provided by the
12 Department for a certificate of registration. All hair
13 braiding shops in operation on the effective date of this
14 amendatory Act of the 93rd General Assembly shall register
15 with the Department within 30 days after the effective date
16 of this amendatory Act of the 93rd General Assembly.

17 (b) The application for a certificate of registration
18 under this Section shall set forth the name, address, and
19 telephone number of the hair braiding shop; the name,
20 address, and telephone number of the person, firm,
21 partnership, or corporation that is to own or operate the
22 shop; and, if the shop is to be owned or operated by an
23 entity other than an individual, the name, address, and
24 telephone number of the managing partner or the chief
25 executive officer of the corporation or other entity that
26 owns or operates the shop.

27 (c) The Department shall be notified by the owner or
28 operator of a shop that is moved to a new location. If there
29 is a change in the ownership or operation of a shop, the new
30 owner or operator shall report that change to the Department
31 along with completion of any additional requirements set
32 forth by rule.

1 (d) If a person, firm, partnership, limited liability
2 company, or corporation owns or operates more than one shop,
3 a separate certificate of registration must be obtained for
4 each shop.

5 (e) A certificate of registration granted under this
6 Section may be revoked in accordance with the provisions of
7 Article IV and the holder of the certificate may be otherwise
8 disciplined by the Department in accordance with rules
9 adopted under this Act.

10 (f) The owner or operator of a hair braiding shop must
11 be a licensed cosmetologist, except as provided in subsection
12 (h).

13 (g) Each person employed as a hair braider at a hair
14 braiding shop must have completed 500 hours of cosmetology
15 instruction in the areas of health, safety, and hygiene,
16 except as provided in subsection (h).

17 (h) Notwithstanding the other provisions of this Act, a
18 person who is not a licensed cosmetologist but, on the
19 effective date of this Section, owned or operated or was
20 employed as a hair braider at a shop that registers under
21 this Section within 30 days after that effective date may
22 provide hair braiding services at that shop under the
23 following conditions:

24 (1) for a period of up to 7 months after the
25 effective date of this Section, while the person is
26 engaged in completing 500 hours of cosmetology
27 instruction in the areas of health, safety, and hygiene,
28 provided that the hair braiding services are provided
29 under the direct supervision of a licensed cosmetologist
30 who is on the shop premises at all times and supervises
31 the application of any chemicals, dyes, or colorings, the
32 cutting of hair, and hygiene matters; and

33 (2) in the case of an owner or operator who
34 completes the 500 hours of cosmetology instruction in the

1 areas of health, safety, and hygiene within the initial
2 7-month period in a manner satisfactory to the
3 Department, then for an additional period of up to 12
4 months while the owner or operator continues to pursue
5 the cosmetology instruction required for licensure,
6 provided that the hair braiding services are provided
7 under the direct or indirect supervision of a licensed
8 cosmetologist who is either on the shop premises or
9 available on call to answer questions and address
10 problems.

11 To become eligible to provide hair braiding services
12 under this subsection (h), a person must register with the
13 Department within the 30 days after the effective date of
14 this Section. To remain eligible, a person must provide from
15 time to time such documentation as the Department may
16 require.

17 (i) The Department may promulgate rules for the
18 administration of this Section and may establish additional
19 requirements for owning or operating a hair braiding shop.

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

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