

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9 (Section scheduled to be repealed on January 1, 2006)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 who works on the premises of the  
12 hair braiding shop, except as provided in subsection (h).

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

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

24           (1) for a period of up to 8 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 act of braiding is performed under the  
29 direct supervision of a licensed cosmetologist who is on  
30 the shop premises at all times to perform the application  
31 of any chemicals, dyes, or colorings, the cutting of  
32 hair, and hygiene-related services; 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 8-month period in a manner satisfactory to the  
3 Department, then for an additional period of up to 16  
4 months while the owner or operator continues to pursue  
5 the cosmetology instruction required for licensure,  
6 provided that the act of braiding is performed under the  
7 direct supervision of a licensed cosmetologist who is  
8 either on the shop premises or available on call to  
9 perform the application of any chemicals, dyes, or  
10 colorings, the cutting of hair, and hygiene-related  
11 services.

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

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

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

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