

1 AN ACT concerning African hair braiding.

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, and Nail  
5 Technology Act of 1985 is amended by changing Section 3-1 and  
6 adding Article IIIIE as follows:

7 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

8 (Section scheduled to be repealed on January 1, 2006)

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

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

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

27 (225 ILCS 410/Art. IIIIE heading new)

28 ARTICLE IIIIE. HAIR BRAIDING SHOPS

29 (225 ILCS 410/3E-5 new)

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

31 Sec. 3E-5. Requisites for ownership or operation of hair  
 32 braiding shops.

1       (a) No person, firm, partnership, limited liability  
2       company, or corporation shall own or operate a hair braiding  
3       shop without first applying on forms provided by the  
4       Department for a certificate of registration. All hair  
5       braiding shops in operation on the effective date of this  
6       amendatory Act of the 93rd General Assembly shall register  
7       with the Department within 30 days after the effective date  
8       of this amendatory Act of the 93rd General Assembly.

9       (b) The application for a certificate of registration  
10       under this Section shall set forth the name, address, and  
11       telephone number of the hair braiding shop; the name,  
12       address, and telephone number of the person, firm,  
13       partnership, or corporation that is to own or operate the  
14       shop; and, if the shop is to be owned or operated by an  
15       entity other than an individual, the name, address, and  
16       telephone number of the managing partner or the chief  
17       executive officer of the corporation or other entity that  
18       owns or operates the shop.

19       (c) The Department shall be notified by the owner or  
20       operator of a shop that is moved to a new location. If there  
21       is a change in the ownership or operation of a shop, the new  
22       owner or operator shall report that change to the Department  
23       along with completion of any additional requirements set  
24       forth by rule.

25       (d) If a person, firm, partnership, limited liability  
26       company, or corporation owns or operates more than one shop,  
27       a separate certificate of registration must be obtained for  
28       each shop.

29       (e) A certificate of registration granted under this  
30       Section may be revoked in accordance with the provisions of  
31       Article IV and the holder of the certificate may be otherwise  
32       disciplined by the Department in accordance with rules  
33       adopted under this Act.

34       (f) The owner or operator of a hair braiding shop must

1 be a licensed cosmetologist who works on the premises of the  
2 hair braiding shop, except as provided in subsection (h).

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

8 (h) Notwithstanding the other provisions of this Act, a  
9 person who is not a licensed cosmetologist but, on the  
10 effective date of this Section, owned or operated or was  
11 employed as a hair braider at a shop that registers under  
12 this Section within 30 days after that effective date may  
13 braid hair at that shop under the following conditions:

14 (1) for a period of up to 8 months after the  
15 effective date of this Section, while the person is  
16 engaged in completing 500 hours of cosmetology  
17 instruction in the areas of health, safety, and hygiene,  
18 provided that the act of braiding is performed under the  
19 direct supervision of a licensed cosmetologist who is on  
20 the shop premises at all times to perform the application  
21 of any chemicals, dyes, or colorings, the cutting of  
22 hair, and hygiene-related services; and

23 (2) in the case of an owner or operator who  
24 completes the 500 hours of cosmetology instruction in the  
25 areas of health, safety, and hygiene within the initial  
26 8-month period in a manner satisfactory to the  
27 Department, then for an additional period of up to 16  
28 months while the owner or operator continues to pursue  
29 the cosmetology instruction required for licensure,  
30 provided that the act of braiding is performed under the  
31 direct supervision of a licensed cosmetologist who is  
32 either on the shop premises or available on call to  
33 perform the application of any chemicals, dyes, or  
34 colorings, the cutting of hair, and hygiene-related

1 services.

2 To become eligible to provide hair braiding services  
3 under this subsection (h), a person must register with the  
4 Department within the 30 days after the effective date of  
5 this Section. To remain eligible, a person must provide from  
6 time to time such documentation as the Department may  
7 require.

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

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.