



Sen. Dan Cronin

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LRB094 06221 RAS 45754 a

1 AMENDMENT TO HOUSE BILL 866

2 AMENDMENT NO. _____. Amend House Bill 866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Sections 1-4,
6 1-7, 2-1, 2-7, 2A-7, 3-1, 3-2, 3-4, 3-6, 3-7, 3A-1, 3A-3, 3A-5,
7 3B-10, 3B-11, 3B-13, 3B-15, 3C-1, 3C-2, 3C-3, 3C-9, 3D-5, 4-1,
8 and 4-2 as follows:

9 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

10 (Section scheduled to be repealed on January 1, 2006)

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

13 "Board" means the Barber, Cosmetology, Esthetics, and Nail
14 Technology Board.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 ~~"Committee" means the Barber, Cosmetology, Esthetics, and~~
19 ~~Nail Technology Committee.~~

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

23 "Licensed cosmetologist" means an individual licensed by
24 the Department to practice cosmetology, nail technology, and

1 esthetics as defined in this Act and whose license is in good
2 standing.

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

6 "Licensed nail technician" means any individual licensed
7 by the Department to practice nail technology as defined in
8 this Act and whose license is in good standing.

9 "Licensed barber teacher" means an individual licensed by
10 the Department to practice barbering ~~and esthetics~~ as defined
11 in this Act and to provide instruction in the theory and
12 practice of barbering ~~and esthetics~~ to students in an approved
13 barber school ~~or esthetics school~~.

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

20 "Licensed cosmetology clinic teacher" means an individual
21 licensed by the Department to practice cosmetology, esthetics,
22 and nail technology as defined in this Act and to provide
23 clinical instruction in the practice of cosmetology,
24 esthetics, and nail technology in an approved school of
25 cosmetology, esthetics, or nail technology.

26 "Licensed esthetics teacher" means an individual licensed
27 by the Department to practice esthetics as defined in this Act
28 and to provide instruction in the theory and practice of
29 esthetics to students in an approved cosmetology or esthetics
30 school.

31 "Licensed esthetics clinic teacher" means an individual
32 licensed by the Department to practice esthetics as defined in
33 this Act and to provide clinical instruction in the practice of
34 esthetics in an approved school of cosmetology or an approved

1 school of esthetics.

2 "Licensed nail technology teacher" means an individual
3 licensed by the Department to practice nail technology and to
4 provide instruction in the theory and practice of nail
5 technology to students in an approved nail technology school or
6 cosmetology school.

7 "Licensed nail technology clinic teacher" means an
8 individual licensed by the Department to practice nail
9 technology as defined in this Act and to provide clinical
10 instruction in the practice of nail technology in an approved
11 school of cosmetology or an approved school of nail technology.

12 "Enrollment" is the date upon which the student signs an
13 enrollment agreement or student contract.

14 "Enrollment agreement" or "student contract" is any
15 agreement, instrument, or contract however named, which
16 creates or evidences an obligation binding a student to
17 purchase a course of instruction from a school.

18 "Enrollment time" means the maximum number of hours a
19 student could have attended class, whether or not the student
20 did in fact attend all those hours.

21 "Elapsed enrollment time" means the enrollment time
22 elapsed between the actual starting date and the date of the
23 student's last day of physical attendance in the school.

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

25 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

28 (a) It is unlawful for any person to practice, or to hold
29 himself or herself out to be a cosmetologist, esthetician, nail
30 technician, or barber without a license as a cosmetologist,
31 esthetician, nail technician, or barber issued by the
32 Department of Professional Regulation pursuant to the
33 provisions of this Act and of the Civil Administrative Code of

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

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

29 (c) A person licensed as a barber teacher may hold himself
30 or herself out as a barber and may practice barbering without a
31 license as a barber. A person licensed as a cosmetology teacher
32 may hold himself or herself out as a cosmetologist,
33 esthetician, and nail technologist and may practice
34 cosmetology, esthetics, and nail technology without a license

1 as a cosmetologist, esthetician, or nail technologist. A person
2 licensed as an esthetics teacher may hold himself or herself
3 out as an esthetician without being licensed as an esthetician
4 and may practice esthetics. A person licensed as a nail
5 technician teacher may practice nail technology and may hold
6 himself or herself out as a nail technologist without being
7 licensed as a nail technologist.

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

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

12 (225 ILCS 410/2-1) (from Ch. 111, par. 1702-1)

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

14 Sec. 2-1. Barbering defined. Any one or any combination of
15 the following practices constitutes the practice of barbering:

16 To shave or trim the beard or cut the hair; to style,
17 arrange, dress, curl, wave, straighten, clean, singe, epilate,
18 depilate, shampoo, marcel, chemically restructure, bleach,
19 tint, color or similarly work upon the hair or cranial
20 prosthesis of any person; to give relaxing facial or scalp
21 massage or treatments with oils, creams or other preparations
22 either by hand or by mechanical appliances. Nothing in this Act
23 shall be construed to prohibit the shampooing of hair by
24 persons employed for that purpose and who perform such task
25 under the direct supervision of a licensed barber.

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

27 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

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

29 Sec. 2-7. Examination of applicants. The Department shall
30 hold examinations of applicants for licensure as barbers and
31 teachers of barbering at such times and places as it may
32 determine. Upon request, the examinations shall be

1 administered in Spanish.

2 Each applicant shall be given a written examination testing
3 both theoretical and practical knowledge of the following
4 subjects insofar as they are related and applicable to the
5 practice of barber science and art: (1) anatomy, (2)
6 physiology, (3) skin diseases, (4) hygiene and sanitation, (5)
7 barber history, (6) barber law, (7) hair cutting and styling,
8 (8) shaving, shampooing, and permanent waving, (9) massaging,
9 (10) bleaching, tinting, and coloring, and (11) implements.

10 The examination of applicants for licensure ~~registration~~
11 as a barber teacher shall include: (a) practice of barbering
12 and styling, (b) theory of barbering, (c) methods of teaching,
13 and (d) school management.

14 This Act does not prohibit the practice as a barber or
15 barber teacher by one who has applied in writing to the
16 Department, in form and substance satisfactory to the
17 Department, for a license and has complied with all the
18 provisions of this Act in order to qualify for a license except
19 the passing of an examination, until: (a) the expiration of 6
20 months after the filing of such written application, or (b) the
21 decision of the Department that the applicant has failed to
22 pass an examination within 6 months or failed without an
23 approved excuse to take an examination conducted within 6
24 months by the Department, or (c) the withdrawal of the
25 application.

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

27 (225 ILCS 410/2A-7)

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

29 Sec. 2A-7. Requirements for licensure as barber school. No
30 ~~A~~ person, firm, or corporation may ~~not~~ own, operate or conduct
31 a school or college of barbering for the purpose of teaching
32 barbering for compensation without filing an application with
33 the Department on forms provided by the Department, paying the

1 required fees, and complying with the following requirements:

2 1. The applicant must submit to the Department for
3 approval:

4 a. A floor plan, drawn to a scale specified on the
5 floor plan, showing every detail of the proposed
6 school; and

7 b. A lease commitment or proof of ownership for the
8 location of the proposed school; a lease commitment
9 must provide for execution of the lease upon the
10 Department's approval of the school's application and
11 the lease must be for a period of at least one year. ~~†~~
12 ~~and~~

13 c. (Blank). ~~A written inspection report made by the~~
14 ~~State Fire Marshal approving the use of the proposed~~
15 ~~premises as a barbering school.~~

16 2. An application to own or operate a school shall
17 include the following:

18 a. If the owner is a corporation, a copy of the
19 Articles of Incorporation;

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

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

25 d. A copy of the official enrollment agreement or
26 student contract to be used by the school, which shall
27 be consistent with the requirements of this Act;

28 e. A listing of all teachers who will be in the
29 school's employ, including their teacher license
30 numbers;

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

32 g. The names, addresses, and current status of all
33 schools in which the applicant has previously owned any
34 interest, and a declaration as to whether any of these

1 schools were ever denied accreditation or licensing or
2 lost accreditation or licensing from any governmental
3 body or accrediting agency;

4 h. Each application for a certificate of approval
5 shall be signed and certified under oath by the
6 school's chief managing employee and also by its
7 individual owner or owners; if the applicant is a
8 partnership or a corporation, then the application
9 shall be signed and certified under oath by the
10 school's chief managing employee and also by each
11 member of the partnership or each officer of the
12 corporation, as the case may be;

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

14 j. The required fee. ~~The applicant must submit a~~
15 ~~certified financial statement prepared by a licensed~~
16 ~~public accountant who is not an employee of the school,~~
17 ~~indicating sufficient finances to guarantee operation~~
18 ~~for one full year.~~

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

21 a. To conduct the school in accordance with this
22 Act and the standards and rules from time to time
23 adopted under this Act and to meet standards and
24 requirements at least as stringent as those required by
25 Part H of the federal Higher Education Act of 1965.

26 b. To permit the Department to inspect the school
27 or classes thereof from time to time with or without
28 notice; and to make available to the Department, at any
29 time when required to do so, information including
30 financial information pertaining to the activities of
31 the school required for the administration of this Act
32 and the standards and rules adopted under this Act;

33 c. To utilize only advertising and solicitation
34 that is free from misrepresentation, deception, fraud,

1 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. ~~The proposed barber school or~~
12 ~~college shall have a minimum of one theory or~~
13 ~~demonstration room, one workroom, and 2 toilet~~
14 ~~facilities.~~

15 ~~The minimum equipment in the workroom shall be 20~~
16 ~~barber chairs, one cabinet and one wet sterilizer for each~~
17 ~~barber chair, four shampoo basins complete with shampoo~~
18 ~~spray, one electric vibrator for each 10 barber chairs, and~~
19 ~~one scalp treatment high frequency electricity apparatus~~
20 ~~for each 10 barber chairs.~~

21 ~~The municipality in which the proposed new barber~~
22 ~~school is to be located shall be large enough to support~~
23 ~~the proposed barber school to the degree that the students~~
24 ~~who might be enrolled in the proposed barber school would~~
25 ~~be assured of sufficient practice to enable them to become~~
26 ~~competent workers.~~

27 ~~It shall be a requirement for maintaining and renewing~~
28 ~~a barber school license that the school or college of~~
29 ~~barbering actually provide instruction and teaching, as~~
30 ~~well as maintain the equipment required by this Section. If~~
31 ~~a barber school ceases operation for any reason, the~~
32 ~~Department shall place the school's license on inoperative~~
33 ~~status, without hearing, for a period of up to one year~~
34 ~~from the date that the school ceases operation. A barber~~

1 ~~school license on inoperative status may be restored by the~~
2 ~~Department upon resumption of operation in accordance with~~
3 ~~the requirements of this Act. A license on inoperative~~
4 ~~status may not be renewed.~~

5 ~~A barber school license that remains on inoperative~~
6 ~~status for a period of one year shall automatically,~~
7 ~~without hearing, be cancelled. A cancelled license may not~~
8 ~~be renewed or restored. A person, firm, or corporation~~
9 ~~whose license has been cancelled and who wishes to own,~~
10 ~~operate, or conduct a school or college of barbering for~~
11 ~~the purpose of teaching barbering for compensation must~~
12 ~~apply for a new license.~~

13 4. The applicant shall establish to the satisfaction of
14 the Department that the owner possesses sufficient liquid
15 assets to meet the prospective expenses of the school for a
16 period of 3 months. In the discretion of the Department,
17 additional proof of financial ability may be required. ~~The~~
18 ~~proposed barber school or college shall have a curriculum~~
19 ~~that includes each of the following subjects: the~~
20 ~~preparation and care of barber implements, the art of~~
21 ~~hairecutting, styling, shaving, beard trimming and~~
22 ~~shampooing, facial and scalp massaging and treatments~~
23 ~~either by hand or mechanical appliances, hair tinting,~~
24 ~~coloring, and bleaching, permanent waving, barber anatomy,~~
25 ~~physiology, bacteriology, sanitation, barber history,~~
26 ~~Illinois barber law, electricity and light rays, and a~~
27 ~~course dealing with the common diseases of the skin and~~
28 ~~methods to avoid the aggravation and spreading thereof in~~
29 ~~the practice of barbering.~~

30 ~~In a 1500 hour barber course all students shall receive~~
31 ~~a minimum of 150 hours of lectures, demonstrations, or~~
32 ~~discussions. The remaining 1350 hours shall be devoted to~~
33 ~~practical application of the student's skill in the~~
34 ~~workroom, or to additional theory or other classwork, at~~

1 ~~the discretion of the instructor.~~

2 5. The applicant shall comply with all rules of the
3 Department determining the necessary curriculum and
4 equipment required for the conduct of the school. The
5 ~~school shall comply with all rules of the Department~~
6 ~~establishing the necessary curriculum and equipment~~
7 ~~required for the conduct of such school.~~

8 6. The applicant must demonstrate employment of a
9 sufficient number of qualified teachers who are holders of
10 a current license issued by the Department. The school
11 ~~shall employ a sufficient number of qualified teachers of~~
12 ~~barbering who are holders of a current license issued by~~
13 ~~the Department, which staff is adequate only if the ratio~~
14 ~~of students to teachers does not exceed 25 students for~~
15 ~~each barber teacher.~~

16 7. A final inspection of the barber school shall be
17 made by the Department before the school may commence
18 classes. A final inspection of the barber school shall be
19 ~~made by the Department before the school may commence~~
20 ~~classes. The inspection shall include a determination of~~
21 ~~whether:~~

22 ~~a. All of the requirements of paragraph 1 of this~~
23 ~~Section have been met.~~

24 ~~b. The school is in compliance with all rules of~~
25 ~~the Department established for the purpose of~~
26 ~~determining the necessary curriculum and equipment~~
27 ~~required for the school.~~

28 ~~c. A sufficient number of qualified teachers of~~
29 ~~barbering who are holders of current licenses issued by~~
30 ~~the Department are employed.~~

31 8. A written inspection report must be made by a local
32 fire authority or the State Fire Marshal approving the use
33 of the proposed premises as a barber school.

34 ~~Upon meeting all of the above requirements, the Department~~

1 ~~may issue a license and the school may commence classes.~~

2 ~~No barber school may cease operation without first~~
3 ~~delivering its student records to a place of safekeeping in~~
4 ~~accordance with Department rule.~~

5 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
6 90-580, eff. 5-21-98.)

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

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

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

26 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

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

28 Sec. 3-2. Licensure; qualifications.

29 (1) A person is qualified to receive a license as a
30 cosmetologist who has filed an application on forms provided by
31 the Department, pays the required fees, and:

32 a. Is at least 16 years of age; and

33 b. Is beyond the age of compulsory school attendance or

1 has received a certificate of graduation from a school
2 providing secondary education ~~Has graduated from an eighth~~
3 ~~grade elementary school,~~ or the recognized ~~its~~ equivalent
4 of that certificate; and

5 c. Has graduated from a school of cosmetology approved
6 by the Department, having completed a program of 1500 hours
7 in the study of cosmetology extending over a period of not
8 less than 8 months nor more than 7 consecutive years. A
9 school of cosmetology may, at its discretion, consistent
10 with the rules of the Department, accept up to 500 hours of
11 barber school training at a recognized barber school toward
12 the 1500 hour program requirement of cosmetology. Time
13 spent in such study under the laws of another state or
14 territory of the United States or of a foreign country or
15 province shall be credited toward the period of study
16 required by the provisions of this paragraph; and

17 d. Has passed an examination authorized by the
18 Department to determine eligibility ~~fitness~~ to receive a
19 license as a cosmetologist. ~~The requirements for remedial~~
20 ~~training set forth in Section 3-6 of this Act may be waived~~
21 ~~in whole or in part by the Department upon proof to the~~
22 ~~Department that the applicant has demonstrated competence~~
23 ~~to again sit for the examination. The Department shall~~
24 ~~promulgate rules establishing the standards by which such~~
25 ~~determination shall be made;~~ and

26 e. Has met any other requirements of this Act.

27 (2) (Blank). ~~If the applicant applies for a license as a~~
28 ~~cosmetologist on September 1, 2000 or September 2, 2000, the~~
29 ~~Department may accept a verified 10 years of cosmetology~~
30 ~~experience, which may include esthetics or nail technology~~
31 ~~experience, before July 1, 2000 in lieu of the requirements in~~
32 ~~items c and d of subsection (1) of this Section.~~

33 (Source: P.A. 93-253, eff. 7-22-03.)

1 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

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

3 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
4 clinic teacher; qualifications.

5 (a) A person is qualified to receive license as a
6 cosmetology teacher if that person has applied in writing on
7 forms provided by the Department, has paid the required fees,
8 and:

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

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

11 (3) has a current license as a cosmetologist;

12 (4) has either: (i) completed a program of 500 hours of
13 teacher training in a licensed school of cosmetology and
14 had 2 years of practical experience as a licensed
15 cosmetologist within 5 years preceding the examination; or
16 (ii) completed a program of 1,000 hours of teacher training
17 in a licensed school of cosmetology;

18 (5) has passed an examination authorized by the
19 Department to determine eligibility ~~fitness~~ to receive a
20 license as a cosmetology teacher; and

21 (6) has met any other requirements of this Act.

22 ~~A cosmetology teacher who teaches esthetics, in order to be~~
23 ~~licensed, shall demonstrate, to the satisfaction of the~~
24 ~~Department, current skills in the use of machines used in the~~
25 ~~practice of esthetics.~~

26 An individual who receives a license as a cosmetology
27 teacher shall not be required to maintain an active cosmetology
28 license in order to practice cosmetology as defined in this
29 Act.

30 (b) A person is qualified to receive a license as a
31 cosmetology clinic teacher if he or she has applied in writing
32 on forms provided by the Department, has paid the required
33 fees, and:

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

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

2 (3) has a current license as a cosmetologist;

3 (4) has (i) completed a program of 250 hours of clinic
4 teacher training in a licensed school of cosmetology or
5 (ii) within 5 years preceding the examination, ~~and~~ has
6 obtained a minimum of 2 years of practical experience
7 working at least 30 full-time hours per week as a licensed
8 cosmetologist and has completed an instructor's institute
9 of 20 hours, as prescribed by the Department, prior to
10 submitting an application for examination ~~within 5 years~~
11 ~~preceding the examination;~~

12 (5) has passed an examination authorized by the
13 Department to determine eligibility ~~fitness~~ to receive a
14 license as a cosmetology teacher; and

15 (6) has met any other requirements of this Act.

16 The Department shall not issue any new cosmetology clinic
17 teacher licenses after January 1, 2009. Any person issued a
18 license as a cosmetology 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.

27 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
28 91-863, eff. 7-1-00.)

29 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

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

31 Sec. 3-6. Examination. The Department shall authorize
32 examinations of applicants for licensure as cosmetologists
33 ~~and~~ teachers of cosmetology at the times and places it may

1 determine. If an applicant for licensure as a cosmetologist
2 fails to pass 3 examinations conducted by the Department, the
3 applicant shall, before taking a subsequent examination,
4 furnish evidence of not less than 250 hours of additional study
5 of cosmetology in an approved school of cosmetology since the
6 applicant last took the examination. If an applicant for
7 licensure as a cosmetology teacher fails to pass 3 examinations
8 conducted by the Department, the applicant shall, before taking
9 a subsequent examination, furnish evidence of not less than 80
10 hours of additional study in teaching methodology and
11 educational psychology in an approved school of cosmetology
12 since the applicant last took the examination. An applicant who
13 fails to pass the fourth examination shall not again be
14 admitted to an examination unless: (i) in the case of an
15 applicant for licensure as a cosmetologist, the applicant again
16 takes and completes a program of 1500 hours in the study of
17 cosmetology in an approved school of cosmetology extending over
18 a period that commences after the applicant fails to pass the
19 fourth examination and that is not less than 8 months nor more
20 than 7 consecutive years in duration; (ii) in the case of an
21 applicant for licensure as a cosmetology teacher, the applicant
22 again takes and completes a program of 1000 hours of teacher
23 training in an approved school of cosmetology, except that if
24 the applicant had 2 years of practical experience as a licensed
25 cosmetologist within the 5 years preceding the initial
26 examination taken by the applicant, the applicant must again
27 take and complete a program of 500 hours of teacher training in
28 an approved school of cosmetology, esthetics, or nail
29 technology; or (iii) in the case of an applicant for licensure
30 as a cosmetology clinic teacher, the applicant again takes and
31 completes a program of 250 hours of clinic teacher training in
32 a licensed school of cosmetology or an instructor's institute
33 of 20 hours. The requirements for remedial training set forth
34 in this Section may be waived in whole or in part by the

1 Department upon proof to the Department that the applicant has
2 demonstrated competence to again sit for the examination. The
3 Department shall adopt rules establishing the standards by
4 which this determination shall be made. Each cosmetology
5 applicant shall be given a written examination testing both
6 theoretical and practical knowledge, which shall include, but
7 not be limited to, questions that determine the applicant's
8 knowledge of product chemistry, sanitary rules, sanitary
9 procedures, chemical service procedures, hazardous chemicals
10 and exposure minimization, knowledge of the anatomy of the
11 skin, scalp, ~~and~~ hair, and nails as they relate to applicable
12 services under this Act and labor and compensation laws.

13 The examination of applicants for licensure as a
14 cosmetology, esthetics, or nail technology teacher may include
15 all of the elements of the exam for licensure as a
16 cosmetologist, esthetician, or nail technician and also
17 include teaching methodology, classroom management, record
18 keeping, and any other related 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 cosmetology by
22 one who has applied in writing to the Department, in form and
23 substance satisfactory to the Department, for a license as a
24 cosmetologist, or the teaching of cosmetology by one who has
25 applied in writing to the Department, in form and substance
26 satisfactory to the Department, for a license as a cosmetology
27 teacher or cosmetology clinic teacher, if the person has
28 complied with all the provisions of this Act in order to
29 qualify for a license, except the passing of an examination to
30 be eligible to receive a license, until: (a) the expiration of
31 6 months after the filing of the written application, (b) the
32 decision of the Department that the applicant has failed to
33 pass an examination within 6 months or failed without an
34 approved excuse to take an examination conducted within 6

1 months by the Department, or (c) the withdrawal of the
2 application.

3 ~~A person who took the September 10, 1994 cosmetology~~
4 ~~licensure examination for the sixth time and failed the~~
5 ~~examination and failed to request a reader based upon a~~
6 ~~documented learning disability may reapply for the examination~~
7 ~~within 6 months of the effective date of this amendatory Act of~~
8 ~~the 91st General Assembly without having to complete the~~
9 ~~additional 1,500 hours of instruction required under this Act.~~
10 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

11 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

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

13 Sec. 3-7. Licensure; renewal; continuing education;
14 military service. The holder of a license issued under this
15 Article III may renew that license during the month preceding
16 the expiration date thereof by paying the required fee, giving
17 such evidence as the Department may prescribe of completing not
18 less than 14 hours of continuing education for a cosmetologist,
19 and 24 hours of continuing education for a cosmetology teacher
20 or cosmetology clinic teacher, within the 2 years prior to
21 renewal. The training shall be in subjects approved by the
22 Department as prescribed by rule upon recommendation of the
23 Committee.

24 A license that has been expired for more than 5 years may
25 be restored by payment of the restoration fee and submitting
26 evidence satisfactory to the Department of the current
27 qualifications and fitness of the licensee, which shall include
28 completion of continuing education hours for the period
29 subsequent to expiration.

30 The Department shall establish by rule a means for the
31 verification of completion of the continuing education
32 required by this Section. This verification may be accomplished
33 through audits of records maintained by registrants, by

1 requiring the filing of continuing education certificates with
2 the Department, or by other means established by the
3 Department. ~~The Department may select a qualified organization~~
4 ~~that has no direct business relationship with a licensee,~~
5 ~~licensed entity or a subsidiary of a licensed entity under this~~
6 ~~Act to maintain and verify records relating to continuing~~
7 ~~education.~~

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

24 The Department, in its discretion, may waive enforcement of
25 the continuing education requirement in this Section and shall
26 adopt rules defining the standards and criteria for that waiver
27 under the following circumstances:

28 (a) the licensee resides in a locality where it is
29 demonstrated that the absence of opportunities for such
30 education would interfere with the ability of the licensee
31 to provide service to the public;

32 (b) that to comply with the continuing education
33 requirements would cause a substantial financial hardship
34 on the licensee;

1 (c) that the licensee is serving in the United States
2 Armed Forces; or

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

4 The continuing education requirements of this Section do
5 not apply to a licensee who (i) is at least 62 years of age
6 ~~before January 1, 1999~~ or (ii) has been licensed as a
7 cosmetologist, cosmetology teacher, or cosmetology clinic
8 teacher for at least 25 years ~~and does not regularly work as a~~
9 ~~cosmetologist, cosmetology teacher, or cosmetology clinic~~
10 ~~teacher for more than 14 hours per week.~~

11 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
12 90-302, eff. 8-1-97; 90-602, eff. 1-1-99.)

13 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

15 Sec. 3A-1. Esthetics ~~and esthetician~~ defined.

16 (A) Any one or combination of ~~person who for compensation,~~
17 ~~whether direct or indirect, including tips, engages in~~ the
18 following practices, when done for cosmetic or beautifying
19 purposes and not for the treatment of disease or of a muscular
20 or nervous disorder, constitutes ~~engages in~~ the practice of
21 esthetics:

22 1. Beautifying, massaging, cleansing, exfoliating, or
23 stimulating the stratum corneum of the epidermis ~~or~~
24 ~~stimulating the skin of the human body, except the scalp,~~
25 by the use of cosmetic preparations, body treatments, body
26 wraps, ~~the use of~~ hydrotherapy, ~~antiseptics, tonics,~~
27 ~~lotions or creams~~ or any device, electrical, mechanical, or
28 otherwise, for the care of the skin;

29 2. Applying make-up or eyelashes to any person or
30 ~~tinting eyelashes and eyebrows and~~ lightening hair on the
31 body except the scalp; and

32 3. Removing superfluous hair from the body of any
33 person ~~by the use of depilatories, waxing or tweezers.~~

1 However, esthetics does not include the services provided
2 by a cosmetologist or electrologist. Estheticians are
3 prohibited from using techniques, products, and practices
4 intended to affect the living layers of the skin ~~performing any~~
5 ~~procedure which may puncture or abrade the skin below the~~
6 ~~stratum corneum of the epidermis or remove closed milia~~
7 ~~(whiteheads) which may draw blood or serous body fluid.~~ The
8 term esthetics includes rendering advice on what is
9 cosmetically appealing, but no person licensed under this Act
10 shall render advice on what is appropriate medical treatment
11 for diseases of the skin.

12 (B) "Esthetician" means any person who, with hands or
13 mechanical or electrical apparatus or appliances, engages only
14 in the use of cosmetic preparations, body treatments, body
15 wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,
16 creams or other preparations or in the practice of massaging,
17 cleansing, exfoliating the stratum corneum of the epidermis,
18 stimulating, manipulating, beautifying, grooming or similar
19 work on the face, neck, arms and hands or body in a superficial
20 mode, and not for the treatment of medical disorders.

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

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

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

24 Sec. 3A-3. Licensure as an esthetics teacher;
25 qualifications.

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

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

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

31 (3) has a current license as a licensed cosmetologist
32 or esthetician;

33 (4) has either: (i) completed a program of 500 hours of

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

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

11 (6) (blank); and ~~demonstrates, to the satisfaction of~~
12 ~~the Department, current skills in the use of machines used~~
13 ~~in the practice of esthetics; and~~

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

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

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

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

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

24 (4) has (i) completed a program of 250 hours of clinic
25 teacher training in a licensed school of cosmetology
26 approved by the Department to teach esthetics or a licensed
27 esthetics school or (ii) within 5 years preceding the
28 examination, has obtained a minimum of and had 2 years of
29 practical experience working at least 30 full-time hours
30 per week as a licensed cosmetologist or esthetician and has
31 completed an instructor's institute of 20 hours, as
32 prescribed by the Department, prior to submitting an
33 application for examination within 5 years preceding the
34 examination;

1 (5) has passed an examination authorized by the
2 Department to determine eligibility ~~fitness~~ to receive a
3 license as a licensed cosmetology teacher or licensed
4 esthetics teacher;

5 (6) (blank); ~~demonstrates, to the satisfaction of the~~
6 ~~Department, current skills in the use of machines used in~~
7 ~~the practice of esthetics;~~ and

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

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

21 (c) An applicant who is issued a license as an esthetics
22 teacher or esthetics clinic teacher is not required to maintain
23 an esthetics license in order to practice as an esthetician as
24 defined in this Act.

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

26 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

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

28 Sec. 3A-5. Examination.

29 (a) The Department shall authorize examinations of
30 applicants for a license as an esthetician or teacher of
31 esthetics at such times and places as it may determine. The
32 Department shall authorize no fewer than 4 examinations for a
33 license as an esthetician or a teacher of esthetics in a

1 calendar year.

2 If an applicant neglects, fails without an approved excuse,
3 or refuses to take the next available examination offered for
4 licensure under this Act, the fee paid by the applicant shall
5 be forfeited to the Department and the application denied. If
6 an applicant fails to pass an examination for licensure under
7 this Act within 3 years after filing his or her application,
8 the application shall be denied. However, such applicant may
9 thereafter make a new application for examination, accompanied
10 by the required fee, if he or she meets the requirements in
11 effect at the time of reapplication. If an applicant for
12 licensure as an esthetician is unsuccessful at 3 examinations
13 conducted by the Department, the applicant shall, before taking
14 a subsequent examination, furnish evidence of not less than 125
15 hours of additional study of esthetics in an approved school of
16 cosmetology or esthetics since the applicant last took the
17 examination. If an applicant for licensure as an esthetics
18 teacher or esthetics clinic teacher is unsuccessful at 3
19 examinations conducted by the Department, the applicant shall,
20 before taking a subsequent examination, furnish evidence of not
21 less than 80 hours of additional study in teaching methodology
22 and educational psychology in a licensed school of cosmetology
23 or esthetics since the applicant last took the examination. An
24 applicant who fails to pass a fourth examination shall not
25 again be admitted to an examination unless (i) in the case of
26 an applicant for licensure as an esthetician, the applicant
27 shall again take and complete a program of 750 hours in the
28 study of esthetics in a licensed school of cosmetology approved
29 to teach esthetics or a school of esthetics, extending over a
30 period that commences after the applicant fails to pass the
31 fourth examination and that is not less than 18 weeks nor more
32 than 4 consecutive years in duration; (ii) in the case of an
33 applicant for a license as an esthetics teacher, the applicant
34 shall again take and complete a program of 750 hours of teacher

1 training in a school of cosmetology approved to teach esthetics
2 or a school of esthetics, except that if the applicant had 2
3 years of practical experience as a licensed cosmetologist or
4 esthetician within 5 years preceding the initial examination
5 taken by the applicant, the applicant must again take and
6 complete a program of 500 hours of teacher training in licensed
7 cosmetology or a licensed esthetics school; or (iii) in the
8 case of an applicant for a license as an esthetics clinic
9 teacher, the applicant shall again take and complete a program
10 of 250 hours of clinic teacher training in a licensed school of
11 cosmetology or a licensed school of esthetics.

12 (b) Each applicant shall be given a written examination
13 testing both theoretical and practical knowledge which shall
14 include, but not be limited to, questions that determine the
15 applicant's knowledge, as provided by rule. ~~of:~~

16 ~~(1) product chemistry;~~

17 ~~(2) sanitary rules and regulations;~~

18 ~~(3) sanitary procedures;~~

19 ~~(4) chemical service procedures;~~

20 ~~(5) knowledge of the anatomy of the skin, as it relates~~
21 ~~to applicable services under this Act;~~

22 ~~(6) the provisions and requirements of this Act; and~~

23 ~~(7) labor and compensation laws.~~

24 (c) The examination of applicants for licensure as an
25 esthetics teacher ~~may include all of the above and may also~~
26 include:

27 (1) teaching methodology;

28 (2) classroom management; and

29 (3) record keeping and any other subjects that the
30 Department may deem necessary to insure competent
31 performance.

32 (d) This Act does not prohibit the practice of esthetics by
33 one who has applied in writing to the Department, in form and
34 substance satisfactory to the Department, for a license as an

1 esthetician, an esthetics teacher, or an esthetics clinic
2 teacher and has complied with all the provisions of this Act in
3 order to qualify for a license, except the passing of an
4 examination to be eligible to receive such license certificate,
5 until: (i) the expiration of 6 months after the filing of such
6 written application, or (ii) the decision of the Department
7 that the applicant has failed to pass an examination within 6
8 months or failed without an approved excuse to take an
9 examination conducted within 6 months by the Department, or
10 (iii) the withdrawal of the application.

11 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
12 91-863, eff. 7-1-00.)

13 (225 ILCS 410/3B-10)

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

15 Sec. 3B-10. Requisites for ownership or operation of
16 school. No person, firm, or corporation may own, operate, or
17 conduct a school of cosmetology, esthetics, or nail technology
18 for the purpose of teaching cosmetology, esthetics, or nail
19 technology for compensation without applying on forms provided
20 by the Department, paying the required fees, and complying with
21 the following requirements:

22 1. The applicant must submit to the Department for
23 approval:

24 a. A floor plan, drawn to a scale specified on the
25 floor plan, showing every detail of the proposed
26 school; and

27 b. A lease commitment or proof of ownership for the
28 location of the proposed school; a lease commitment
29 must provide for execution of the lease upon the
30 Department's approval of the school's application and
31 the lease must be for a period of at least one year. ~~†~~
32 ~~and~~

33 c. (Blank). ~~A written inspection report made by the~~

1 ~~State Fire Marshal approving the use of the proposed~~
2 ~~premises as a cosmetology, esthetics, or nail~~
3 ~~technology school.~~

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

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

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

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

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

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
27 shall be signed and certified under oath by the
28 school's chief managing employee and also by its
29 individual owner or owners; if the applicant is a
30 partnership or a corporation, then the application
31 shall be signed and certified under oath by the
32 school's chief managing employee and also by each
33 member of the partnership or each officer of the
34 corporation, as the case may be;

- 1 i. A copy of the school's official transcript; and
- 2 j. The required fee.

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

5 a. To conduct the school in accordance with this
6 Act and the standards, and rules from time to time
7 adopted under this Act and to meet standards and
8 requirements at least as stringent as those required by
9 Part H of the Federal Higher Education Act of 1965.

10 b. To permit the Department to inspect the school
11 or classes thereof from time to time with or without
12 notice; and to make available to the Department, at any
13 time when required to do so, information including
14 financial information pertaining to the activities of
15 the school required for the administration of this Act
16 and the standards and rules adopted under this Act;

17 c. To utilize only advertising and solicitation
18 which is free from misrepresentation, deception,
19 fraud, or other misleading or unfair trade practices;

20 d. To screen applicants to the school prior to
21 enrollment pursuant to the requirements of the
22 school's regional or national accrediting agency, if
23 any, and to maintain any and all records of such
24 screening. If the course of instruction is offered in a
25 language other than English, the screening shall also
26 be performed in that language;

27 e. To post in a conspicuous place a statement,
28 developed by the Department, of student's rights
29 provided under this Act.

30 4. The applicant shall establish to the satisfaction of
31 the Department that the owner possesses sufficient liquid
32 assets to meet the prospective expenses of the school for a
33 period of 3 months. In the discretion of the Department,
34 additional proof of financial ability may be required.

1 5. The applicant shall comply with all rules of the
2 Department determining the necessary curriculum and
3 equipment required for the conduct of the school.

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

7 7. A final inspection of the cosmetology, esthetics, or
8 nail technology school shall be made by the Department
9 before the school may commence classes.

10 8. A written inspection report must be made by the
11 State Fire Marshal or a local fire authority approving the
12 use of the proposed premises as a cosmetology, esthetics,
13 or nail technology school.

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

15 (225 ILCS 410/3B-11)

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

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

31 A school shall retain the records, as defined by rule, of a
32 student who withdraws from or drops out of the school, by
33 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. 89-387, eff. 1-1-96; 89-626, eff. 8-9-96.)

6 (225 ILCS 410/3B-13)

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

8 Sec. 3B-13. Rules; refunds. Schools regulated under this
9 Section shall issue refunds based on the following schedule.
10 The refund policy shall provide that:

11 (1) Schools shall, when a student gives written notice of
12 cancellation, provide a refund in the amount of at least the
13 following:

14 (a) When notice of cancellation is given within 5 days
15 after the date of enrollment, all application and
16 registration fees, tuition, and any other charges shall be
17 refunded to the student.

18 (b) When notice of cancellation is given after the
19 fifth day following enrollment but before the completion of
20 the student's first day of class attendance, the school may
21 retain no more than the application and registration fee,
22 plus the cost of any books or materials which have been
23 provided by the school and retained by the student.

24 (c) When notice of cancellation is given after the
25 student's completion of the first day of class attendance
26 but prior to the student's completion of 5% of the course
27 of instruction, the school may retain the application and
28 registration fee and an amount not to exceed 10% of the
29 tuition and other instructional charges or \$300, whichever
30 is less, plus the cost of any books or materials which have
31 been provided by the school.

32 (d) When a student has completed 5% or more of the
33 course of instruction, the school may retain the

1 application and registration fee and the cost of any books
2 or materials which have been provided by the school but
3 shall refund a part of the tuition and other instructional
4 charges in accordance with the National Accrediting
5 Commission of Cosmetology Arts and Sciences and rules that
6 the Department shall promulgate for purposes of this
7 Section.

8 (2) Applicants not accepted by the school shall receive a
9 refund of all tuition and fees paid.

10 (3) Application and registration fees shall be chargeable
11 at initial enrollment and shall not exceed \$100.

12 (4) Deposits or down payments shall become part of the
13 tuition.

14 (5) The school shall mail a written acknowledgement of a
15 student's cancellation or written withdrawal to the student
16 within 15 calendar days of the date of notification. Written
17 acknowledgement is not necessary if a refund has been mailed to
18 the student within the 15 calendar days.

19 (6) If the school cancels or discontinues a course, the
20 student shall be entitled to receive from the school such
21 refund or partial refund of the tuition, fees, and other
22 charges paid by the student or on behalf of the student as is
23 provided under rules promulgated by the Department.

24 (7) Except as otherwise provided by this Act, all student
25 refunds shall be made by the school within 30 calendar days
26 from the date of notice of the student's cancellation.

27 (8) A student shall give notice of cancellation to the
28 school in writing. The unexplained absence of a student from a
29 school for more than 30 ~~15~~ consecutive calendar days shall
30 constitute constructive notice of cancellation to the school.
31 For purposes of cancellation, the cancellation date shall be
32 the last day of attendance.

33 (9) A school may make refunds which exceed those required
34 by this Section.

1 (10) Each student and former student shall be entitled to
2 receive from the school that the student attends or attended an
3 official transcript of all hours completed by the student at
4 that school for which the applicable tuition, fees, and other
5 charges have been paid, together with the grades earned by the
6 student for those hours, provided that a student who withdraws
7 from or drops out of a school, by written notice of
8 cancellation or otherwise, shall not be entitled to any
9 transcript of completed hours following the expiration of the
10 7-year period that began on the student's first day of
11 attendance at the school. A reasonable fee, not exceeding \$2,
12 may be charged by the school for each transcript after the
13 first free transcript that the school is required to provide to
14 a student or former student under this Section.

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

16 (225 ILCS 410/3B-15)

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

18 Sec. 3B-15. Grounds for disciplinary action. In addition to
19 any other cause herein set forth the Department may refuse to
20 issue or renew and may suspend, place on probation, or revoke
21 any license to operate a school, or take any other action that
22 the Department may deem proper, including the imposition of
23 fines ~~civil penalties~~ not to exceed \$5,000 ~~\$1,000~~ for each
24 violation, for any one or any combination of the following
25 causes:

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

28 (2) Knowingly furnishing false, misleading, or incomplete
29 information to the Department or failure to furnish information
30 requested by the Department.

31 (3) Violation of any commitment made in an application for
32 a license, including failure to maintain standards that are the
33 same as, or substantially equivalent to, those represented in

1 the school's applications and advertising.

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

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

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

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

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

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

20 (10) Failure to correct any deficiency or act of
21 noncompliance under this Act or the standards and rules
22 established under this Act within reasonable time limits set by
23 the Department.

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

26 (12) Failure to make all of the disclosures or making
27 inaccurate disclosures to the Department or in the enrollment
28 agreement as required under this Act.

29 (13) Failure to make appropriate refunds as required by
30 this Act.

31 (14) Denial, loss, or withdrawal of accreditation by any
32 accrediting agency.

33 (15) During any calendar year, having a failure rate of 25%
34 or greater for those of its students who for the first time

1 take the examination authorized by the Department to determine
2 fitness to receive a license as a cosmetologist, cosmetology
3 teacher, esthetician, esthetician teacher, nail technician, or
4 nail technology teacher, provided that a student who transfers
5 into the school having completed 50% or more of the required
6 program ~~with 750 or more hours for cosmetologists, 375 or more~~
7 ~~hours for estheticians, 175 or more hours for nail technician,~~
8 ~~500 or more hours for teachers or 125 or more hours for clinic~~
9 ~~teachers~~ and who takes the examination during that calendar
10 year shall not be counted for purposes of determining the
11 school's failure rate on an examination, without regard to
12 whether that transfer student passes or fails the examination.

13 (16) Failure to maintain a written record indicating the
14 funds received per student and funds paid out per student. Such
15 records shall be maintained for a minimum of 7 years and shall
16 be made available to the Department upon request. Such records
17 shall identify the funding source and amount for any student
18 who has enrolled as well as any other item set forth by rule.

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

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

22 (225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

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

24 Sec. 3C-1. Definitions. "Nail technician" means any person
25 who for compensation manicures, pedicures, or decorates nails,
26 applies ~~sculptured or otherwise~~ artificial applications ~~nails~~
27 by hand or with mechanical or electrical apparatus or
28 appliances, or in any way beautifies ~~cares for~~ the nails or the
29 skin of the hands or feet including massaging the hands, arms,
30 elbows, feet, lower legs, and knees of another person for other
31 than the treatment of medical disorders.

32 However, nail technicians are prohibited from using
33 techniques, products, and practices intended to affect the

1 living layers of the skin ~~performing any procedure that may~~
2 ~~puncture the skin or which may draw blood or serous body fluid.~~

3 The term nail technician includes rendering advice on what is
4 cosmetically appealing, but no person licensed under this Act
5 shall render advice on what is appropriate medical treatment
6 for diseases of the nails or skin.

7 "Nail technician teacher" means an individual licensed by
8 the Department to provide instruction in the theory and
9 practice of nail technology to students in an approved nail
10 technology school.

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

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

17 (225 ILCS 410/3C-2) (from Ch. 111, par. 1703C-2)

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

19 Sec. 3C-2. License; qualifications. A person is qualified
20 to receive a license as a nail technician if that person
21 applies in writing on forms provided by the Department, pays
22 the required fee, and:

23 (a) Is at least 16 years of age;

24 (b) Is beyond the age of compulsory school attendance
25 or has a certificate of graduation from a school providing
26 secondary education ~~Has graduated from an eighth grade~~
27 ~~elementary school~~ or the recognized ~~its~~ equivalent of that
28 certificate;

29 (c) Has graduated from a school of cosmetology or
30 school of nail technology approved by the Department,
31 having completed a program ~~curriculum~~ of 350 hours in the
32 study of nail technology extending over a period of not
33 less than 8 weeks nor more than 2 consecutive years ~~and~~

1 ~~including the following: (1) theory, (2) manicuring and~~
2 ~~pedicuring, (3) nail treatments, (4) sanitary rules and~~
3 ~~sterilization, and (5) related electives; and~~

4 (d) Has passed an examination authorized by the
5 Department to determine eligibility ~~fitness~~ to receive a
6 license as a nail technician; and

7 (e) Has met any other requirements of this Act.

8 Time spent in the study of nail technology under the laws
9 of another state or territory of the United States, or of a
10 foreign country or province, shall be credited toward the
11 period of study required by the provisions of subsection (c).

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

13 (225 ILCS 410/3C-3) (from Ch. 111, par. 1703C-3)

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

15 Sec. 3C-3. Licensure as a nail technology teacher or nail
16 technology clinic teacher; qualifications.

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

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

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

22 (3) has a current license as a cosmetologist or nail
23 technician;

24 (4) has either: (1) completed a program of 500 hours of
25 teacher training in a licensed school of nail technology or
26 cosmetology, and had 2 years of practical experience as a
27 nail technician; or (2) has completed a program of 625
28 hours of teacher training in a licensed school of
29 cosmetology approved to teach nail technology or school of
30 nail technology; and

31 (5) who has passed an examination authorized by the
32 Department to determine eligibility ~~fitness~~ to receive a
33 license as a cosmetology or nail technology teacher.

1 (b) A person is qualified to receive a license as a nail
2 technology clinic teacher if that person has applied in writing
3 on forms supplied by the Department, paid the required fees,
4 and:

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

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

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

9 (4) has (i) completed a program of 250 hours of clinic
10 teacher training in a licensed school of cosmetology or a
11 licensed nail technology school or (ii) within 5 years
12 preceding the examination, has obtained a minimum of ~~and~~
13 ~~had~~ 2 years of practical experience working at least 30
14 full-time hours per week as a licensed cosmetologist or
15 nail technician and has completed an instructor's
16 institute of 20 hours, as prescribed by the Department,
17 prior to submitting an application for examination ~~within 5~~
18 years preceding the examination;

19 (5) has passed an examination authorized by the
20 Department to determine eligibility ~~fitness~~ to receive a
21 license as a licensed cosmetology teacher or licensed nail
22 technology teacher;

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

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

28 The Department shall not issue any new nail technology
29 clinic teacher licenses after January 1, 2009. Any person
30 issued a license as a nail technology clinic teacher before
31 January 1, 2009, may renew the license after that date under
32 this Act and that person may continue to renew the license or
33 have the license restored during his or her lifetime, subject
34 only to the renewal or restoration requirements for the license

1 under this Act; however, such licensee and license shall remain
2 subject to the provisions of this Act, including, but not
3 limited to, provisions concerning renewal, restoration, fees,
4 continuing education, discipline, administration, and
5 enforcement.

6 (c) An applicant who receives a license as a nail
7 technology teacher or nail technology clinic teacher shall not
8 be required to maintain a license as a nail technician.

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

10 (225 ILCS 410/3C-9) (from Ch. 111, par. 1703C-9)

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

12 Sec. 3C-9. Endorsement. Upon payment of the required fee,
13 an applicant who is a nail technician, nail technology teacher,
14 or nail technology clinic teacher registered or licensed under
15 the laws of another state or territory of the United States or
16 of a foreign country or province may be granted a license as a
17 nail technician, nail technician teacher, or nail technology
18 clinic teacher by the Department in its discretion upon the
19 following conditions:

20 (a) For a nail technologist registered or licensed
21 elsewhere:

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

23 (1.5) the applicant has passed an examination
24 authorized by the Department to determine eligibility
25 ~~fitness~~ to receive a license as a nail technician; and

26 (2) the requirements for the registration or licensing
27 of nail technicians in the particular state, territory,
28 country or province were, at the date of licensure,
29 substantially equivalent to the requirements then in force
30 in this State. The Department shall prescribe reasonable
31 rules and regulations governing the recognition of and the
32 credit to be given to the study of nail technology under a
33 cosmetologist or nail technician registered or licensed

1 under the laws of another state or territory of the United
2 States or a foreign country or province by an applicant for
3 a license as a nail technician.

4 (b) For a nail technology teacher or nail technology clinic
5 teacher licensed or registered elsewhere:

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

7 (1.5) the applicant has passed an examination
8 authorized by the Department to determine eligibility
9 ~~fitness~~ to receive a license as a nail technology teacher;
10 and

11 (2) the requirements for the licensing of nail
12 technology teachers or nail technology clinic teachers in
13 the other jurisdiction were, at the date of licensure,
14 substantially equivalent to the requirements then in force
15 in this State; or the applicant has established proof of
16 legal practice as a nail technology teacher or nail
17 technology clinic teacher in another jurisdiction for at
18 least 3 years.

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

23 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97; 90-632,
24 eff. 1-1-99.)

25 (225 ILCS 410/3D-5)

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

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

30 (a) No person, firm, partnership, limited liability
31 company, or corporation shall own or operate a cosmetology,
32 esthetics, or nail technology salon or barber shop or employ,
33 rent space to, or independently contract with any licensee

1 under this Act without ~~first~~ applying on forms provided by the
2 Department for a certificate of registration.

3 (b) The application for a certificate of registration under
4 this Section shall set forth the name, address, and telephone
5 number of the proposed cosmetology, esthetics, or nail
6 technology salon or barber shop; the name, address, and
7 telephone number of the person, firm, partnership, or
8 corporation that is to own or operate the salon or shop; and,
9 if the salon or shop is to be owned or operated by an entity
10 other than an individual, the name, address, and telephone
11 number of the managing partner or the chief executive officer
12 of the corporation or other entity that owns or operates the
13 salon or shop.

14 (c) The Department shall be notified by the owner or
15 operator of a salon or shop that is moved to a new location. If
16 there is a change in the ownership or operation of a salon or
17 shop, the new owner or operator shall report that change to the
18 Department along with completion of any additional
19 requirements set forth by rule.

20 (d) If a person, firm, partnership, limited liability
21 company, or corporation owns or operates more than one shop or
22 salon, a separate certificate of registration must be obtained
23 for each salon or shop.

24 (e) A certificate of registration granted under this
25 Section may be revoked in accordance with the provisions of
26 Article IV and the holder of the certificate may be otherwise
27 disciplined by the Department in accordance with rules adopted
28 under this Act.

29 (f) The Department may promulgate rules to establish
30 additional requirements for owning or operating a salon or
31 shop.

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

33 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

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

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

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

19 (3) To prescribe rules for:

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

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

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

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

32 (6) To prescribe, ~~subject to and consistent with the~~
33 ~~provisions of Section 4-1.5,~~ reasonable rules for the method of
34 renewal for each license as a cosmetologist, esthetician, nail

1 technician, or barber or cosmetology, esthetics, nail
2 technology, or barbering teacher or cosmetology, esthetics, or
3 nail technology clinic teacher.

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

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

10 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

12 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
13 Technology Board Committee. There is established within the
14 Department the Barber, Cosmetology, Esthetics, and Nail
15 Technology Board Committee, composed of 11 persons, which shall
16 serve in an advisory capacity to ~~designated from time to time~~
17 ~~by the Director to advise~~ the Director in all matters related
18 to the practice of barbering, cosmetology, esthetics, and nail
19 technology.

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

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

23 A majority of Board Committee members then appointed
24 constitutes a quorum. A majority of the quorum is required for
25 a Board Committee decision.

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

29 (Source: P.A. 93-253, eff. 7-22-03.)

30 (225 ILCS 410/3C-4 rep.)

31 (225 ILCS 410/3C-5 rep.)

32 (225 ILCS 410/4-1.5 rep.)

33 Section 10. The Barber, Cosmetology, Esthetics, and Nail

1 Technology Act of 1985 is amended by repealing Sections 3C-4,
2 3C-5, and 4-1.5.

3 Section 99. Effective date. This Act takes effect December
4 31, 2005.".