



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5783

Introduced 2/9/2010, by Rep. William D. Burns

SYNOPSIS AS INTRODUCED:

See Index

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Changes the short title to the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides for the licensure of hair braiders and hair braiding teachers. Defines "hair braiding". Provides that a person licensed as a cosmetologist may engage in the practice of hair braiding without being licensed as a hair braider. Provides that a person licensed as a cosmetology teacher may teach hair braiding without being licensed as a hair braiding teacher. Sets out provisions concerning qualifications for licensure and renewal, including continuing education requirements. Provides that hair braiding schools may establish an internship program. Provides that the Department shall take no action against any unlicensed hair braider for acts that occurred prior to the effective date of the amendatory Act. Replaces all references to "Director" in the Act with "Secretary". Defines "Secretary", "licensed hair braider", and "licensed hair braiding teacher". Makes other changes. Updates cross-references to the new short title in the Regulatory Sunset Act and the Unified Code of Corrections.

LRB096 16775 ASK 32075 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

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

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing the heading of
6 Articles IIIB and IIID and Sections 1-1, 1-4, 1-7, 1-7.5, 1-10,
7 1-11, 3B-1, 3B-10, 3B-11, 3B-12, 3B-15, 3D-5, 4-1, 4-2, 4-4,
8 4-6, 4-7, 4-8, 4-9, 4-10, 4-12, 4-14, 4-15, 4-16, 4-19, and
9 4-20 and by adding Article IIIE as follows:

10 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 1-1. Title of Act. This Act may be cited as the
13 Barber, Cosmetology, Esthetics, Hair Braiding, and Nail
14 Technology Act of 1985.

15 (Source: P.A. 86-1475; 87-786.)

16 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

17 (Section scheduled to be repealed on January 1, 2016)

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

20 "Board" means the Barber, Cosmetology, Esthetics, and Nail
21 Technology Board.

22 "Department" means the Department of Financial and

1 Professional Regulation.

2 ~~"Director" means the Director of Professional Regulation.~~

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

6 "Licensed barber clinic teacher" means an individual
7 licensed by the Department to practice barbering, as defined in
8 this Act, and to provide clinical instruction in the practice
9 of barbering in an approved school of barbering.

10 "Licensed cosmetologist" means an individual licensed by
11 the Department to practice cosmetology, nail technology, and
12 esthetics as defined in this Act and whose license is in good
13 standing.

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

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

20 "Licensed barber teacher" means an individual licensed by
21 the Department to practice barbering as defined in this Act and
22 to provide instruction in the theory and practice of barbering
23 to students in an approved barber school.

24 "Licensed cosmetology teacher" means an individual
25 licensed by the Department to practice cosmetology, esthetics,
26 and nail technology as defined in this Act and to provide

1 instruction in the theory and practice of cosmetology,
2 esthetics, and nail technology to students in an approved
3 cosmetology, esthetics, or nail technology school.

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

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

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

20 "Licensed hair braider" means any individual licensed by
21 the Department to practice hair braiding as defined in Section
22 3E-1 and whose license is in good standing.

23 "Licensed hair braiding teacher" means an individual
24 licensed by the Department to practice hair braiding and to
25 provide instruction in the theory and practice of hair braiding
26 to students in an approved cosmetology school.

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

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

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

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

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

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

23 "Secretary" means the Secretary of the Department of
24 Financial and Professional Regulation.

25 (Source: P.A. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

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

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

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

4 (a) It is unlawful for any person to practice, or to hold
5 himself or herself out to be a cosmetologist, esthetician, nail
6 technician, hair braider, or barber without a license as a
7 cosmetologist, esthetician, nail technician, hair braider or
8 barber issued by the Department of Financial and Professional
9 Regulation pursuant to the provisions of this Act and of the
10 Civil Administrative Code of Illinois. It is also unlawful for
11 any person, firm, partnership, or corporation to own, operate,
12 or conduct a cosmetology, esthetics, nail technology, hair
13 braiding salon, or barber school without a license issued by
14 the Department or to own or operate a cosmetology, esthetics,
15 ~~or~~ nail technology, or hair braiding salon or barber shop
16 without a certificate of registration issued by the Department.
17 It is further unlawful for any person to teach in any
18 cosmetology, esthetics, nail technology, hair braiding, or
19 barber college or school approved by the Department or hold
20 himself or herself out as a cosmetology, esthetics, hair
21 braiding, nail technology, or barber teacher without a license
22 as a teacher, issued by the Department or as a barber clinic
23 teacher or cosmetology, esthetics, hair braiding, or nail
24 technology clinic teacher without a license as a clinic teacher
25 issued by the Department.

26 (b) Notwithstanding any other provision of this Act, a

1 person licensed as a cosmetologist may hold himself or herself
2 out as an esthetician and may engage in the practice of
3 esthetics, as defined in this Act, without being licensed as an
4 esthetician. A person licensed as a cosmetology teacher may
5 teach esthetics or hold himself or herself out as an esthetics
6 teacher without being licensed as an esthetics teacher. A
7 person licensed as a cosmetologist may hold himself or herself
8 out as a nail technician and may engage in the practice of nail
9 technology, as defined in this Act, without being licensed as a
10 nail technician. A person licensed as a cosmetology teacher may
11 teach nail technology and hold himself or herself out as a nail
12 technology teacher without being licensed as a nail technology
13 teacher. A person licensed as a cosmetologist may hold himself
14 or herself out as a hair braider and may engage in the practice
15 of hair braiding, as defined in this Act, without being
16 licensed as a hair braider. A person licensed as a cosmetology
17 teacher may teach hair braiding and hold himself or herself out
18 as a hair braiding teacher without being licensed as a hair
19 braiding teacher.

20 (c) A person licensed as a barber teacher may hold himself
21 or herself out as a barber and may practice barbering without a
22 license as a barber. A person licensed as a cosmetology teacher
23 may hold himself or herself out as a cosmetologist,
24 esthetician, hair braider, and nail technologist and may
25 practice cosmetology, esthetics, hair braiding, and nail
26 technology without a license as a cosmetologist, esthetician,

1 hair braider, or nail technologist. A person licensed as an
2 esthetics teacher may hold himself or herself out as an
3 esthetician without being licensed as an esthetician and may
4 practice esthetics. A person licensed as a nail technician
5 teacher may practice nail technology and may hold himself or
6 herself out as a nail technologist without being licensed as a
7 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. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

12 (225 ILCS 410/1-7.5)

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

14 Sec. 1-7.5. Unlicensed practice; violation; civil penalty.

15 (a) Any person who practices, offers to practice, attempts
16 to practice, or holds himself or herself out to practice
17 barbering, cosmetology, esthetics, hair braiding, or nail
18 technology without being licensed under this Act shall, in
19 addition to any other penalty provided by law, pay a civil
20 penalty to the Department in an amount not to exceed \$5,000 for
21 each offense as determined by the Department. The civil penalty
22 shall be assessed by the Department after a hearing is held in
23 accordance with the provisions set forth in this Act regarding
24 disciplining a licensee.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

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

8 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

10 Sec. 1-10. Display. Every holder of a license shall display
11 it in a place in the holder's principal office, place of
12 business or place of employment. Whenever a licensed
13 cosmetologist, esthetician, nail technician, hair braider, or
14 barber practices cosmetology, esthetics, nail technology, hair
15 braiding, or barbering outside of or away from the
16 cosmetologist's, esthetician's, nail technician's, hair
17 braider's, or barber's principal office, place of business, or
18 place of employment, the cosmetologist, esthetician, nail
19 technician, hair braider, or barber shall deliver to each
20 person served a certificate of identification in a form
21 specified by the Department.

22 Every registered shop shall display its certificate of
23 registration at the location of the shop. Each shop where
24 barber, cosmetology, esthetics, hair braiding, or nail
25 technology services are provided shall have a certificate of

1 registration.

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

3 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

5 Sec. 1-11. Exceptions to Act.

6 (a) Nothing in this Act shall be construed to apply to the
7 educational activities conducted in connection with any
8 monthly, annual or other special educational program of any
9 bona fide association of licensed cosmetologists,
10 estheticians, nail technicians, hair braiders, or barbers, or
11 licensed cosmetology, esthetics, nail technology, hair
12 braiding, or barber schools from which the general public is
13 excluded.

14 (b) Nothing in this Act shall be construed to apply to the
15 activities and services of registered nurses or licensed
16 practical nurses, as defined in the Nurse Practice Act, or to
17 personal care or health care services provided by individuals
18 in the performance of their duties as employed or authorized by
19 facilities or programs licensed or certified by State agencies.
20 As used in this subsection (b), "personal care" means
21 assistance with meals, dressing, movement, bathing, or other
22 personal needs or maintenance or general supervision and
23 oversight of the physical and mental well-being of an
24 individual who is incapable of maintaining a private,
25 independent residence or who is incapable of managing his or

1 her person whether or not a guardian has been appointed for
2 that individual. The definition of "personal care" as used in
3 this subsection (b) shall not otherwise be construed to negate
4 the requirements of this Act or its rules.

5 (c) Nothing in this Act shall be deemed to require
6 licensure of individuals employed by the motion picture, film,
7 television, stage play or related industry for the purpose of
8 providing cosmetology or esthetics services to actors of that
9 industry while engaged in the practice of cosmetology or
10 esthetics as a part of that person's employment.

11 (Source: P.A. 95-639, eff. 10-5-07.)

12 (225 ILCS 410/Art. III B heading)

13 ARTICLE III B. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,
14 AND NAIL TECHNOLOGY SCHOOLS

15 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

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

17 Sec. 3B-1. Application. The provisions of this Article are
18 applicable only to cosmetology, esthetics, hair braiding, and
19 nail technology schools regulated under this Act.

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

21 (225 ILCS 410/3B-10)

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

23 Sec. 3B-10. Requisites for ownership or operation of

1 school. No person, firm, or corporation may own, operate, or
2 conduct a school of cosmetology, esthetics, hair braiding, or
3 nail technology for the purpose of teaching cosmetology,
4 esthetics, hair braiding, or nail technology for compensation
5 without applying on forms provided by the Department, paying
6 the required fees, and complying with the following
7 requirements:

8 1. The applicant must submit to the Department for
9 approval:

10 a. A floor plan, drawn to a scale specified on the
11 floor plan, showing every detail of the proposed
12 school; and

13 b. A lease commitment or proof of ownership for the
14 location of the proposed school; a lease commitment
15 must provide for execution of the lease upon the
16 Department's approval of the school's application and
17 the lease must be for a period of at least one year.

18 c. (Blank).

19 2. An application to own or operate a school shall
20 include the following:

21 a. If the owner is a corporation, a copy of the
22 Articles of Incorporation;

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

25 c. If the applicant is an owner, a completed
26 financial statement showing the owner's ability to

1 operate the school for at least 3 months;

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

5 e. A listing of all teachers who will be in the
6 school's employ, including their teacher license
7 numbers;

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

9 g. The names, addresses, and current status of all
10 schools in which the applicant has previously owned any
11 interest, and a declaration as to whether any of these
12 schools were ever denied accreditation or licensing or
13 lost accreditation or licensing from any governmental
14 body or accrediting agency;

15 h. Each application for a certificate of approval
16 shall be signed and certified under oath by the
17 school's chief managing employee and also by its
18 individual owner or owners; if the applicant is a
19 partnership or a corporation, then the application
20 shall be signed and certified under oath by the
21 school's chief managing employee and also by each
22 member of the partnership or each officer of the
23 corporation, as the case may be;

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

25 j. The required fee.

26 3. Each application for a license to operate a school

1 shall also contain the following commitments:

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

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

14 c. To utilize only advertising and solicitation
15 which is free from misrepresentation, deception,
16 fraud, or other misleading or unfair trade practices;

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

24 e. To post in a conspicuous place a statement,
25 developed by the Department, of student's rights
26 provided under this Act.

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

6 5. The applicant shall comply with all rules of the
7 Department determining the necessary curriculum and
8 equipment required for the conduct of the school.

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

12 7. A final inspection of the cosmetology, esthetics,
13 hair braiding, or nail technology school shall be made by
14 the Department before the school may commence classes.

15 8. A written inspection report must be made by the
16 State Fire Marshal or a local fire authority approving the
17 use of the proposed premises as a cosmetology, esthetics,
18 hair braiding, or nail technology school.

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

20 (225 ILCS 410/3B-11)

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

22 Sec. 3B-11. Periodic review of cosmetology, esthetics,
23 hair braiding, and nail technology schools. The Department
24 shall review at least biennially all approved schools and
25 courses of instruction. The biennial review shall include

1 consideration of a comparison between the graduation or
2 completion rate for the school and the graduation or completion
3 rate for the schools within that classification of schools.
4 Consideration shall be given to complaints and information
5 forwarded to the Department by the Federal Trade Commission,
6 Better Business Bureaus, the Illinois Attorney General's
7 Office, a State's Attorney's Office, other State or official
8 approval agencies, local school officials, and interested
9 persons. The Department shall investigate all complaints filed
10 with the Department about a school or its sales
11 representatives.

12 A school shall retain the records, as defined by rule, of a
13 student who withdraws from or drops out of the school, by
14 written notice of cancellation or otherwise, for any period
15 longer than 7 years from the student's first day of attendance.
16 However, a school shall retain indefinitely the transcript of
17 each student who completes the program and graduates from the
18 school.

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

20 (225 ILCS 410/3B-12)

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

22 Sec. 3B-12. Enrollment agreements.

23 (a) Enrollment agreements shall be used by cosmetology,
24 esthetics, hair braiding, and nail technology schools licensed
25 to operate by the Department and shall include the following

1 written disclosures:

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

4 (2) The name and description of the course of
5 instruction, including the number of clock hours in each
6 course and an approximate number of weeks or months
7 required for completion;

8 (3) The scheduled starting date and calculated
9 completion date;

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

13 (5) A clear and conspicuous statement that the contract
14 is a legally binding instrument when signed by the student
15 and accepted by the school;

16 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO
17 CANCEL" under which it is explained that the student has
18 the right to cancel the initial enrollment agreement until
19 midnight of the fifth business day after the student has
20 been enrolled; and if notice of the right to cancel is not
21 given to any prospective student at the time the enrollment
22 agreement is signed, then the student has the right to
23 cancel the agreement at any time and receive a refund of
24 all monies paid to date within 10 days of cancellation;

25 (7) A notice to the students that the cancellation must
26 be in writing and given to the registered agent, if any, or

1 managing employee of the school;

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

4 (9) The date of the student's signature and the date of
5 the student's admission;

6 (10) The name of the school employee or agent
7 responsible for procuring, soliciting, or enrolling the
8 student;

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

12 (12) The graduation requirements of the school;

13 (13) The contents of the following notice, in at least
14 10 point bold type:

15 "NOTICE TO THE STUDENT"

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

19 (14) A statement either in the enrollment agreement or
20 separately provided and acknowledged by the student
21 indicating the number of students who did not complete the
22 course of instruction for which they enrolled for the past
23 calendar year as compared to the number of students who
24 enrolled in school during the school's past calendar year;

25 (15) The following clear and conspicuous caption:

26 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE

1 DEPARTMENT OF PROFESSIONAL REGULATION", set forth with the
2 address and telephone number of the Department's Chicago
3 and Springfield offices.

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

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

11 (d) No enrollment agreement or student contract shall
12 contain a wage assignment provision or a confession of judgment
13 clause.

14 (e) Any provision in an enrollment agreement or student
15 contract that purports to waive the student's right to assert
16 against the school, or any assignee, any claim or defense he or
17 she may have against the school arising under the contract
18 shall be void.

19 (f) Two copies of the enrollment agreement shall be signed
20 by the student. One copy shall be given to the student and the
21 school shall retain the other copy as part of the student's
22 permanent record.

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

24 (225 ILCS 410/3B-15)

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

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

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

10 (2) Knowingly furnishing false, misleading, or
11 incomplete information to the Department or failure to
12 furnish information requested by the Department.

13 (3) Violation of any commitment made in an application
14 for a license, including failure to maintain standards that
15 are the same as, or substantially equivalent to, those
16 represented in the school's applications and advertising.

17 (4) Presenting to prospective students information
18 relating to the school, or to employment opportunities or
19 opportunities for enrollment in institutions of higher
20 learning after entering into or completing courses offered
21 by the school, that is false, misleading, or fraudulent.

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

25 (6) Failure to maintain financial resources adequate
26 for the satisfactory conduct of the courses of instruction

1 offered or to retain a sufficient and qualified
2 instructional and administrative staff.

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

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

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

11 (10) Failure to correct any deficiency or act of
12 noncompliance under this Act or the standards and rules
13 established under this Act within reasonable time limits
14 set by the Department.

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

17 (12) Failure to make all of the disclosures or making
18 inaccurate disclosures to the Department or in the
19 enrollment agreement as required under this Act.

20 (13) Failure to make appropriate refunds as required by
21 this Act.

22 (14) Denial, loss, or withdrawal of accreditation by
23 any accrediting agency.

24 (15) During any calendar year, having a failure rate of
25 25% or greater for those of its students who for the first
26 time take the examination authorized by the Department to

1 determine fitness to receive a license as a cosmetologist,
2 cosmetology teacher, esthetician, esthetician teacher,
3 hair braider, hair braiding teacher, nail technician, or
4 nail technology teacher, provided that a student who
5 transfers into the school having completed 50% or more of
6 the required program and who takes the examination during
7 that calendar year shall not be counted for purposes of
8 determining the school's failure rate on an examination,
9 without regard to whether that transfer student passes or
10 fails the examination.

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

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

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

21 (225 ILCS 410/Art. IIID heading)

22 ARTICLE IIID. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,
23 AND NAIL TECHNOLOGY SALONS AND BARBER SHOPS

24 (225 ILCS 410/3D-5)

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

2 Sec. 3D-5. Requisites for ownership or operation of
3 cosmetology, esthetics, hair braiding, and nail technology
4 salons and barber shops.

5 (a) No person, firm, partnership, limited liability
6 company, or corporation shall own or operate a cosmetology,
7 esthetics, hair braiding, or nail technology salon or barber
8 shop or employ, rent space to, or independently contract with
9 any licensee under this Act without applying on forms provided
10 by the Department for a certificate of registration.

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

22 (c) The Department shall be notified by the owner or
23 operator of a salon or shop that is moved to a new location. If
24 there is a change in the ownership or operation of a salon or
25 shop, the new owner or operator shall report that change to the
26 Department along with completion of any additional

1 requirements set forth by rule.

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

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

11 (f) The Department may promulgate rules to establish
12 additional requirements for owning or operating a salon or
13 shop.

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

15 (225 ILCS 410/Art. IIIIE heading new)

16 ARTICLE IIIIE. HAIR BRAIDING AND HAIR BRAIDING TEACHERS

17 (225 ILCS 410/3E-1 new)

18 Sec. 3E-1. Hair braiding defined. "Hair braiding" means a
19 natural form of hair manipulation by braiding, cornrowing,
20 extending, lacing, locking, sewing, twisting, weaving, or
21 wrapping human hair, natural fibers, synthetic fibers, and hair
22 extensions. Such practice can be performed by hand or by using
23 simple braiding devices including clips, combs, hairpins,
24 scissors, needles and thread. Hair braiding includes what is

1 commonly known as "African-style hair braiding" or "natural
2 hair care", but is not limited to any particular cultural,
3 ethnic, racial, or religious form of hair style. Hair braiding
4 includes the making of customized wigs from natural hair,
5 natural fibers, synthetic fibers, and hair extensions. Hair
6 braiding does not involve the use of penetrating chemical hair
7 treatments, chemical hair coloring agents, chemical hair
8 straightening agents, chemical hair joining agents, permanent
9 wave styles, or chemical hair bleaching agents applied to
10 growing human hair. Hair braiding does not include the cutting
11 or growing of human hair, but may include the trimming of hair
12 extensions or sewn weave-in extensions only as applicable to
13 the braiding process.

14 (225 ILCS 410/3E-2 new)

15 Sec. 3E-2. Hair braider licensure; qualifications.

16 (a) A person is qualified to receive a license as a hair
17 braider if he or she has filed an application on forms provided
18 by the Department, paid the required fees, and meets the
19 following qualifications:

20 (1) Is at least 16 years of age;

21 (2) Is beyond the age of compulsory school attendance
22 or has received a certificate of graduation from a school
23 providing secondary education, or the recognized
24 equivalent of that certificate; and

25 (3) Has completed a program consisting of a minimum of

1 300 clock hours or a 10 credit hour equivalency of
2 instruction in a licensed cosmetology school teaching a
3 hair braiding curriculum or in a licensed hair braiding
4 school as follows:

5 (A) Basic training consisting of 35 hours of
6 classroom instruction in general theory, practical
7 application, and technical application in the
8 following subject areas: history of hair braiding,
9 personal hygiene and public health, professional
10 ethics, disinfection and sanitation, bacteriology,
11 disorders and diseases of the hair and scalp, OSHA
12 standards relating to material safety data sheets
13 (MSDS) on chemicals, hair analysis and scalp care, and
14 technical procedures;

15 (B) Related concepts consisting of 35 hours of
16 classroom instruction in the following subject areas:
17 Braid removal and scalp care; basic styling knowledge;
18 tools and equipment; growth patterns, styles and
19 sectioning; client consultation and face shapes; and
20 client education, pre-care, post-care, home care and
21 follow-up services;

22 (C) Practices and procedures consisting of 200
23 hours of instruction, which shall be a combination of
24 classroom instruction and clinical practical
25 application, in the following subject areas: single
26 braids with and without extensions; cornrows with and

1 without extensions; twists and knots; multiple
2 strands; hair locking; weaving/sewn-in; other
3 procedures as they relate to hair-braiding; and
4 product knowledge as it relates to hair braiding; and

5 (D) Business practices consisting of 30 hours of
6 classroom instruction in the following subject areas:
7 Illinois Barber, Cosmetology, Esthetics, Hair Braiding
8 and Nail Technology Act and Rules; salon management;
9 human relations and salesmanship; and Workers'
10 Compensation Act.

11 (b) A hair braiding license shall be valid for 2 years.

12 (c) Within 2 years after the effective date of this
13 amendatory Act of the 96th General Assembly, the Department
14 shall issue a hair braider license to any applicant who does
15 not meet the requirements of items (2) and (3) of subsection
16 (a) of this Section, but is able to demonstrate to the
17 Department through tax records or affidavits that he or she has
18 practiced hair braiding for at least 2 consecutive years
19 immediately prior to the date of his or her application.

20 A hair braider who obtains his or her license under this
21 subsection (c) may renew his or her license if he or she
22 applies to the Department for renewal and has completed at
23 least 65 hours of relevant training in health, safety, hygiene,
24 and business management in accordance with the requirements of
25 this Section or any rule adopted pursuant to this Section. A
26 hair braider who renews his or her license under this

1 subsection (c) may thereafter only renew his or her license if
2 he or she meets the requirements of Section 3E-5 of this Act.

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

4 Sec. 3E-3. Hair braiding teacher licensure. A hair braiding
5 teacher license shall be made available by the Department. The
6 qualifications for a hair braiding teacher license shall be
7 provided by rule, and shall include at least 600 clock hours or
8 a 20 credit hour equivalency in relevant teaching methods and
9 curriculum content, or at least 500 clock hours of hair
10 braiding teacher training for an individual who is able to
11 establish that he or she has had at least 2 years of practical
12 experience.

13 (225 ILCS 410/3E-4 new)

14 Sec. 3E-4. Internship program.

15 (a) An internship program may be part of the curriculum for
16 hair braiding and shall be an organized, pre-planned training
17 program designed to allow a student to learn hair braiding
18 under the direct supervision of a licensed cosmetologist or
19 licensed hair braider in a registered salon. A licensed
20 cosmetology or hair braiding school may establish an internship
21 program as part of its curriculum subject to the following
22 conditions:

23 (1) Students may only participate in the internship
24 program after completing 150 hours of training and must

1 maintain a minimum average grade of 80 out of 100. A school
2 may set the minimum grade average higher and establish
3 additional standards for participation in an internship
4 program.

5 (2) Students may not spend more than 30 hours in the
6 internship program.

7 (3) Students may not be paid for participating in the
8 internship program that is part of the hair braiding
9 curriculum of the school.

10 (4) Students may not work more than 8 hours per day in
11 the internship program and must spend at least one day per
12 week at the school.

13 (5) Students shall be under the direct supervision of
14 an on-site licensed cosmetologist or licensed hair
15 braider, and the supervising cosmetologist or hair braider
16 may only supervise one hair braiding student at a time.

17 (6) The hair braiding school shall state clearly in its
18 student contract that the school offers an internship
19 program as part of its hair braiding curriculum.

20 (7) The hair braiding school shall enter into a written
21 internship contract with the student, the registered
22 salon, and the licensed cosmetologist or licensed hair
23 braider that contains all of the provisions set forth in
24 this Section and Section 3E-2. The contract shall be signed
25 by the student, an authorized representative of the school,
26 and the licensed cosmetologist or licensed hair braider who

1 will supervise the student. The internship contract may be
2 terminated by any of the parties at any time.

3 (b) If an internship program meets the requirements of
4 subsection (a) of this Section, a maximum of 30 hours spent
5 under the internship program may be credited toward meeting the
6 300 hours of instruction required by Section 3E-2.

7 (c) A hair braiding student shall not be permitted to
8 practice on the public until he or she has successfully
9 completed the 35 hours of general theory, practical
10 application, and technical application instruction as
11 specified in Section 3E-2.

12 (225 ILCS 410/3E-5 new)

13 Sec. 3E-5. License renewal. To renew a license issued under
14 this Article, an individual must produce proof of successful
15 completion of 10 hours of continuing education for a hair
16 braider license and 20 hours of continuing education for a hair
17 braiding teacher license.

18 (225 ILCS 410/3E-6 new)

19 Sec. 3E-6. Immunity from prosecution. The Department shall
20 take no action against any person for unlicensed practice as a
21 hair braider that occurred prior to the effective date of this
22 amendatory Act of the 96th General Assembly. The Department
23 shall not use any information provided in an application for a
24 license pursuant to subsection (c) of Section 3E-2 as evidence

1 of unlicensed practice under Article III prior to the date of
2 application.

3 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

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

8 (1) To cause to be conducted examinations to ascertain
9 the qualifications and fitness of applicants for licensure
10 as cosmetologists, estheticians, nail technicians, hair
11 braiders, or barbers and as cosmetology, esthetics, nail
12 technology, hair braiding, or barber ~~barbering~~ teachers.

13 (2) To determine the qualifications for licensure as
14 (i) a cosmetologist, esthetician, nail technician, hair
15 braider, or barber, or (ii) a cosmetology, esthetics, nail
16 technology, hair braiding, or barber teacher, or (iii) a
17 cosmetology, esthetics, hair braiding, or nail technology
18 clinic teacher ~~teachers~~ for persons currently holding
19 similar licenses ~~licensed as cosmetologists, estheticians,~~
20 ~~nail technicians, or barbers or cosmetology, esthetics,~~
21 ~~nail technology, or barber teachers or cosmetology,~~
22 ~~esthetics, or nail technology clinic teachers~~ outside the
23 State of Illinois or the continental U.S.

24 (3) To prescribe rules for:

25 (i) The method of examination of candidates for

1 licensure as a cosmetologist, esthetician, nail
2 technician, hair braider, or barber or cosmetology,
3 esthetics, nail technology, hair braiding, or barber
4 ~~barbering~~ teacher.

5 (ii) Minimum standards as to what constitutes an
6 approved ~~school~~ of cosmetology, esthetics, nail
7 technology, hair braiding, or barber school ~~barbering~~.

8 (4) To conduct investigations or hearings on
9 proceedings to determine disciplinary action.

10 (5) To prescribe reasonable rules governing the
11 sanitary regulation and inspection of cosmetology,
12 esthetics, nail technology, hair braiding, or barber
13 ~~barbering~~ schools, salons, or shops.

14 (6) To prescribe reasonable rules for the method of
15 renewal for each license as a cosmetologist, esthetician,
16 nail technician, hair braider, or barber or cosmetology,
17 esthetics, nail technology, hair braiding, or barber
18 ~~barbering~~ teacher or cosmetology, esthetics, hair
19 braiding, or nail technology clinic teacher.

20 (7) To prescribe reasonable rules for the method of
21 registration, the issuance, fees, renewal and discipline
22 of a certificate of registration for the ownership or
23 operation of cosmetology, esthetics, hair braiding, and
24 nail technology salons and barber shops.

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

1 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

3 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair
4 Braiding, and Nail Technology Board. There is established
5 within the Department the Barber, Cosmetology, Esthetics, Hair
6 Braiding, and Nail Technology Board, composed of 12 ~~11~~ persons,
7 which shall serve in an advisory capacity to the Secretary
8 ~~Director~~ in all matters related to the practice of barbering,
9 cosmetology, esthetics, hair braiding, and nail technology.

10 The 12 ~~11~~ members of the Board shall be appointed as
11 follows: 6 licensed cosmetologists, all of whom hold a current
12 license as a cosmetologist or cosmetology teacher and, for
13 appointments made after the effective date of this amendatory
14 Act of 1996, at least 2 of whom shall be an owner of or a major
15 stockholder in a school of cosmetology, 2 of whom shall be
16 representatives of either a franchiser or an owner operating
17 salons in 2 or more locations within the State, one of whom
18 shall be an independent salon owner, and no one of the
19 cosmetologist members shall be a manufacturer, jobber, or
20 stockholder in a factory of cosmetology articles or an
21 immediate family member of any of the above; 2 of whom shall be
22 barbers holding a current license; one member who shall be a
23 licensed esthetician or esthetics teacher; one member who shall
24 be a licensed nail technician or nail technology teacher; one
25 member who shall be a licensed hair braider or hair braiding
26 teacher; and one public member who holds no licenses issued by

1 the Department. The Secretary ~~Director~~ shall give due
2 consideration for membership to recommendations by members of
3 the professions and by their professional organizations.
4 Members shall serve 4 year terms and until their successors are
5 appointed and qualified. No member shall be reappointed to the
6 Board for more than 2 terms. Appointments to fill vacancies
7 shall be made in the same manner as original appointments for
8 the unexpired portion of the vacated term. Members of the Board
9 in office on the effective date of this amendatory Act of 1996
10 shall continue to serve for the duration of the terms to which
11 they have been appointed, but beginning on that effective date
12 all appointments of licensed cosmetologists and barbers to
13 serve as members of the Board shall be made in a manner that
14 will effect at the earliest possible date the changes made by
15 this amendatory Act of 1996 in the representative composition
16 of the Board.

17 A majority of Board members then appointed constitutes a
18 quorum. A majority of the quorum is required for a Board
19 decision.

20 Whenever the Secretary ~~Director~~ is satisfied that
21 substantial justice has not been done in an examination, the
22 Secretary ~~Director~~ may order a reexamination by the same or
23 other examiners.

24 (Source: P.A. 93-253, eff. 7-22-03; 94-451, eff. 12-31-05.)

25 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

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

2 Sec. 4-4. Issuance of license. Whenever the provisions of
3 this Act have been complied with, the Department shall issue a
4 license as a cosmetologist, esthetician, nail technician, hair
5 braider, or barber, a license as a cosmetology, esthetics, nail
6 technology, hair braiding, or barber ~~barbering~~ teacher, or a
7 license as a cosmetology, esthetics, hair braiding, or nail
8 technology clinic teacher as the case may be.

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

10 (225 ILCS 410/4-6) (from Ch. 111, par. 1704-6)

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

12 Sec. 4-6. Payments; penalty for insufficient funds. Any
13 person who delivers a check or other payment to the Department
14 that is returned to the Department unpaid by the financial
15 institution upon which it is drawn shall pay to the Department,
16 in addition to the amount already owed to the Department, a
17 fine of \$50. The fines imposed by this Section are in addition
18 to any other discipline provided under this Act for unlicensed
19 practice or practice on a nonrenewed license. The Department
20 shall notify the person that payment of fees and fines shall be
21 paid to the Department by certified check or money order within
22 30 calendar days of the notification. If, after the expiration
23 of 30 days from the date of the notification, the person has
24 failed to submit the necessary remittance, the Department shall
25 automatically terminate the license or certificate or deny the

1 application, without hearing. If, after termination or denial,
2 the person seeks a license or certificate, he or she shall
3 apply to the Department for restoration or issuance of the
4 license or certificate and pay all fees and fines due to the
5 Department. The Department may establish a fee for the
6 processing of an application for restoration of a license or
7 certificate to pay all expenses of processing this application.
8 The Secretary ~~Director~~ may waive the fines due under this
9 Section in individual cases where the Secretary ~~Director~~ finds
10 that the fines would be unreasonable or unnecessarily
11 burdensome.

12 (Source: P.A. 92-146, eff. 1-1-02.)

13 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

23 a. Conviction of any crime under the laws of the United
24 States or any state or territory thereof that is (i) a
25 felony, (ii) a misdemeanor, an essential element of which

1 is dishonesty, or (iii) a crime which is related to the
2 practice of the profession.

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

5 c. Material misstatement in furnishing information to
6 the Department.

7 d. Making any misrepresentation for the purpose of
8 obtaining a license or violating any provision of this Act
9 or its rules.

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

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

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

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

22 i. Gross malpractice or gross incompetency.

23 j. Continued practice by a person knowingly having an
24 infectious or contagious disease.

25 k. Solicitation of professional services by using
26 false or misleading advertising.

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

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

9 n. Violating any of the provisions of this Act or rules
10 adopted pursuant to this Act.

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

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

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

24 r. Permitting any person to use for any unlawful or
25 fraudulent purpose one's diploma or license or certificate
26 of registration as a cosmetologist, nail technician,

1 esthetician, hair braider, or barber or cosmetology, nail
2 technology, esthetics, hair braiding, or barber ~~barbering~~
3 teacher or salon or shop or cosmetology, esthetics, hair
4 braiding, or nail technology clinic teacher.

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

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

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

19 (b) the degree of trust and dependence among the
20 involved parties;

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

23 (d) the intent or mental state of the licensee at the
24 time of the acts or omissions.

25 (3) The Department shall reissue the license or
26 registration upon certification by the Committee that the

1 disciplined licensee or registrant has complied with all of the
2 terms and conditions set forth in the final order or has been
3 sufficiently rehabilitated to warrant the public trust.

4 (4) The Department may refuse to issue or may suspend the
5 license or certificate of registration of any person who fails
6 to file a return, or to pay the tax, penalty or interest shown
7 in a filed return, or to pay any final assessment of tax,
8 penalty or interest, as required by any tax Act administered by
9 the Illinois Department of Revenue, until such time as the
10 requirements of any such tax Act are satisfied.

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

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

20 (225 ILCS 410/4-8) (from Ch. 111, par. 1704-8)

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

22 Sec. 4-8. Persons in need of mental treatment. The
23 determination by a circuit court that a licensee is subject to
24 involuntary admission or judicial admission as provided in the
25 Mental Health and Developmental Disabilities Code operates as

1 an automatic suspension. Such suspension shall end only upon a
2 finding by a court that the patient is no longer subject to
3 involuntary admission or judicial admission and issues an order
4 so finding and discharging the patient; and upon the
5 recommendation of the Committee to the Secretary ~~Director~~ that
6 the licensee be allowed to resume his practice.

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

8 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

10 Sec. 4-9. Practice without a license or after suspension or
11 revocation thereof.

12 (a) If any person violates the provisions of this Act, the
13 Secretary ~~Director~~ may, in the name of the People of the State
14 of Illinois, through the Attorney General of the State of
15 Illinois, petition, for an order enjoining such violation or
16 for an order enforcing compliance with this Act. Upon the
17 filing of a verified petition in such court, the court may
18 issue a temporary restraining order, without notice or bond,
19 and may preliminarily and permanently enjoin such violation,
20 and if it is established that such person has violated or is
21 violating the injunction, the Court may punish the offender for
22 contempt of court. Proceedings under this Section shall be in
23 addition to, and not in lieu of, all other remedies and
24 penalties provided by this Act.

25 (b) If any person shall practice as a barber,

1 cosmetologist, nail technician, hair braider, or esthetician,
2 or teacher thereof or cosmetology, esthetics, hair braiding, or
3 nail technology clinic teacher or hold himself or herself out
4 as such without being licensed under the provisions of this
5 Act, any licensee, any interested party, or any person injured
6 thereby may, in addition to the Secretary ~~Director~~, petition
7 for relief as provided in subsection (a) of this Section.

8 (c) Whenever in the opinion of the Department any person
9 violates any provision of this Act, the Department may issue a
10 rule to show cause why an order to cease and desist should not
11 be entered against him. The rule shall clearly set forth the
12 grounds relied upon by the Department and shall provide a
13 period of 7 days from the date of the rule to file an answer to
14 the satisfaction of the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued immediately.

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

18 (225 ILCS 410/4-10) (from Ch. 111, par. 1704-10)

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

20 Sec. 4-10. Refusal, suspension and revocation of licenses;
21 investigations and hearing. The Department may upon its own
22 motion and shall, upon the verified complaint in writing of any
23 person setting forth the facts which if proven would constitute
24 grounds for disciplinary action as set forth in Section 4-7,
25 investigate the actions of any person holding or claiming to

1 hold a license. The Department shall, at least 30 days prior to
2 the date set for the hearing, notify in writing the applicant
3 or the holder of that license of any charges made and shall
4 afford the accused person an opportunity to be heard in person
5 or by counsel in reference thereto. The Department shall direct
6 the applicant or licensee to file a written answer to the Board
7 under oath within 20 days after the service of the notice and
8 inform the applicant or licensee that failure to file an answer
9 will result in default being taken against the applicant or
10 licensee and that the license may be suspended, revoked, placed
11 on probationary status, or other disciplinary action may be
12 taken, including limiting the scope, nature or extent of
13 practice, as the Secretary ~~Director~~ may deem proper. The
14 written notice may be served by the delivery of the notice
15 personally to the accused person, or by mailing the notice by
16 registered or certified mail to the place of business last
17 specified by the accused person in his last notification to the
18 Department. In case the person fails to file an answer after
19 receiving notice, his or her license or certificate may, in the
20 discretion of the Department be suspended, revoked, or placed
21 on probationary status, or the Department, may take whatever
22 disciplinary action deemed proper, including limiting the
23 scope, nature, or extent of the person's practice or the
24 imposition of a fine, without a hearing, if the act or acts
25 charged constitute sufficient grounds for such action under
26 this Act. At the time and place fixed in the notice, the

1 Committee designated by the Secretary ~~Director~~, as provided in
2 this Act, shall proceed to hearing of the charges and both the
3 accused person and the complainant shall be accorded ample
4 opportunity to present in person or by counsel, any statements,
5 testimony, evidence and arguments as may be pertinent to the
6 charges or their defense. The Committee may continue a hearing
7 from time to time. If the Committee is not sitting at the time
8 and place fixed in the notice or at the time and place to which
9 hearing has been continued, the Department shall continue the
10 hearing for not more than 30 days.

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

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

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

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

20 The Secretary ~~Director~~ and any member of the Committee
21 shall each have power to administer oaths to witnesses at any
22 hearing which the Department is authorized by law to conduct,
23 and any other oaths required or authorized in any Act
24 administered by the Department.

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

1 (225 ILCS 410/4-14) (from Ch. 111, par. 1704-14)

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

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

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

1 (225 ILCS 410/4-15) (from Ch. 111, par. 1704-15)

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

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

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

22 (225 ILCS 410/4-16) (from Ch. 111, par. 1704-16)

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

24 Sec. 4-16. Order or certified copy; prima facie proof. An

1 order of revocation or suspension or a certified copy thereof,
2 over the seal of the Department and purporting to be signed by
3 the Secretary Director, shall be prima facie proof that:

4 1. the signature is the genuine signature of the
5 Secretary Director;

6 2. the Secretary Director is duly appointed and
7 qualified; and

8 3. the Committee and the members thereof are qualified
9 to act.

10 Such proof may be rebutted.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

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

14 Sec. 4-19. Emergency suspension. The Secretary Director
15 may temporarily suspend the license of a barber, cosmetologist,
16 nail technician, hair braider, esthetician or teacher thereof
17 or of a cosmetology, esthetics, hair braiding, or nail
18 technology clinic teacher without a hearing, simultaneously
19 with the institution of proceedings for a hearing provided for
20 in Section 4-10 of this Act, if the Secretary Director finds
21 that evidence in his possession indicates that the licensee's
22 continuation in practice would constitute an imminent danger to
23 the public. In the event that the Secretary Director suspends,
24 temporarily, this license without a hearing, a hearing must be
25 held within 30 days after such suspension has occurred.

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

2 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

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

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

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

25 (3) Practice in the barber, nail technology, cosmetology,

1 hair braiding, or esthetic profession, or an attempt to
2 practice in those professions, by fraudulent
3 misrepresentation.

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

6 (5) The violation of any of the provisions of this Act.
7 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

8 Section 10. The Regulatory Sunset Act is amended by
9 changing Section 4.26 as follows:

10 (5 ILCS 80/4.26)

11 Sec. 4.26. Acts repealed on January 1, 2016. The following
12 Acts are repealed on January 1, 2016:

13 The Illinois Athletic Trainers Practice Act.

14 The Illinois Roofing Industry Licensing Act.

15 The Illinois Dental Practice Act.

16 The Collection Agency Act.

17 The Barber, Cosmetology, Esthetics, Hair Braiding, and
18 Nail Technology Act of 1985.

19 The Respiratory Care Practice Act.

20 The Hearing Instrument Consumer Protection Act.

21 The Illinois Physical Therapy Act.

22 The Professional Geologist Licensing Act.

23 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
24 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.

1 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
2 eff. 1-1-06; 94-708, eff. 12-5-05; 94-1085, eff. 1-19-07;
3 95-331, eff. 8-21-07; 95-876, eff. 8-21-08.)

4 Section 20. The Unified Code of Corrections is amended by
5 changing Section 5-5-5 as follows:

6 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

7 Sec. 5-5-5. Loss and Restoration of Rights.

8 (a) Conviction and disposition shall not entail the loss by
9 the defendant of any civil rights, except under this Section
10 and Sections 29-6 and 29-10 of The Election Code, as now or
11 hereafter amended.

12 (b) A person convicted of a felony shall be ineligible to
13 hold an office created by the Constitution of this State until
14 the completion of his sentence.

15 (c) A person sentenced to imprisonment shall lose his right
16 to vote until released from imprisonment.

17 (d) On completion of sentence of imprisonment or upon
18 discharge from probation, conditional discharge or periodic
19 imprisonment, or at any time thereafter, all license rights and
20 privileges granted under the authority of this State which have
21 been revoked or suspended because of conviction of an offense
22 shall be restored unless the authority having jurisdiction of
23 such license rights finds after investigation and hearing that
24 restoration is not in the public interest. This paragraph (d)

1 shall not apply to the suspension or revocation of a license to
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,
4 or upon a person's discharge from probation or at any time
5 thereafter, the committing court may enter an order certifying
6 that the sentence has been satisfactorily completed when the
7 court believes it would assist in the rehabilitation of the
8 person and be consistent with the public welfare. Such order
9 may be entered upon the motion of the defendant or the State or
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the
12 person in whose favor the order has been entered a certificate
13 stating that his behavior after conviction has warranted the
14 issuance of the order.

15 (g) This Section shall not affect the right of a defendant
16 to collaterally attack his conviction or to rely on it in bar
17 of subsequent proceedings for the same offense.

18 (h) No application for any license specified in subsection
19 (i) of this Section granted under the authority of this State
20 shall be denied by reason of an eligible offender who has
21 obtained a certificate of relief from disabilities, as defined
22 in Article 5.5 of this Chapter, having been previously
23 convicted of one or more criminal offenses, or by reason of a
24 finding of lack of "good moral character" when the finding is
25 based upon the fact that the applicant has previously been
26 convicted of one or more criminal offenses, unless:

1 (1) there is a direct relationship between one or more
2 of the previous criminal offenses and the specific license
3 sought; or

4 (2) the issuance of the license would involve an
5 unreasonable risk to property or to the safety or welfare
6 of specific individuals or the general public.

7 In making such a determination, the licensing agency shall
8 consider the following factors:

9 (1) the public policy of this State, as expressed in
10 Article 5.5 of this Chapter, to encourage the licensure and
11 employment of persons previously convicted of one or more
12 criminal offenses;

13 (2) the specific duties and responsibilities
14 necessarily related to the license being sought;

15 (3) the bearing, if any, the criminal offenses or
16 offenses for which the person was previously convicted will
17 have on his or her fitness or ability to perform one or
18 more such duties and responsibilities;

19 (4) the time which has elapsed since the occurrence of
20 the criminal offense or offenses;

21 (5) the age of the person at the time of occurrence of
22 the criminal offense or offenses;

23 (6) the seriousness of the offense or offenses;

24 (7) any information produced by the person or produced
25 on his or her behalf in regard to his or her rehabilitation
26 and good conduct, including a certificate of relief from

1 disabilities issued to the applicant, which certificate
2 shall create a presumption of rehabilitation in regard to
3 the offense or offenses specified in the certificate; and

4 (8) the legitimate interest of the licensing agency in
5 protecting property, and the safety and welfare of specific
6 individuals or the general public.

7 (i) A certificate of relief from disabilities shall be
8 issued only for a license or certification issued under the
9 following Acts:

10 (1) the Animal Welfare Act; except that a certificate
11 of relief from disabilities may not be granted to provide
12 for the issuance or restoration of a license under the
13 Animal Welfare Act for any person convicted of violating
14 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
15 Care for Animals Act or Section 26-5 of the Criminal Code
16 of 1961;

17 (2) the Illinois Athletic Trainers Practice Act;

18 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
19 and Nail Technology Act of 1985;

20 (4) the Boiler and Pressure Vessel Repairer Regulation
21 Act;

22 (5) the Professional Boxing Act;

23 (6) the Illinois Certified Shorthand Reporters Act of
24 1984;

25 (7) the Illinois Farm Labor Contractor Certification
26 Act;

- 1 (8) the Interior Design Title Act;
- 2 (9) the Illinois Professional Land Surveyor Act of
- 3 1989;
- 4 (10) the Illinois Landscape Architecture Act of 1989;
- 5 (11) the Marriage and Family Therapy Licensing Act;
- 6 (12) the Private Employment Agency Act;
- 7 (13) the Professional Counselor and Clinical
- 8 Professional Counselor Licensing Act;
- 9 (14) the Real Estate License Act of 2000;
- 10 (15) the Illinois Roofing Industry Licensing Act;
- 11 (16) the Professional Engineering Practice Act of
- 12 1989;
- 13 (17) the Water Well and Pump Installation Contractor's
- 14 License Act;
- 15 (18) the Electrologist Licensing Act;
- 16 (19) the Auction License Act;
- 17 (20) Illinois Architecture Practice Act of 1989;
- 18 (21) the Dietetic and Nutrition Services Practice Act;
- 19 (22) the Environmental Health Practitioner Licensing
- 20 Act;
- 21 (23) the Funeral Directors and Embalmers Licensing
- 22 Code;
- 23 (24) the Land Sales Registration Act of 1999;
- 24 (25) the Professional Geologist Licensing Act;
- 25 (26) the Illinois Public Accounting Act; and
- 26 (27) the Structural Engineering Practice Act of 1989.

1 (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05;
2 94-1067, eff. 8-1-06.)

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