



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2799

Introduced 1/28/2010, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

225 ILCS 410/1-4	from Ch. 111, par. 1701-4
225 ILCS 410/3-1	from Ch. 111, par. 1703-1
225 ILCS 410/3A-1	from Ch. 111, par. 1703A-1
225 ILCS 410/4-1	from Ch. 111, par. 1704-1

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Provides that the Department of Financial and Professional Regulation shall adopt rules concerning sanitation requirements, requirements for education on sanitation, and any other health concerns associated with threading. Defines "threading" as any technique that results in the removal of superfluous hair from the body by twisting thread around unwanted hair and then pulling it from the skin; and may also include the incidental trimming of eyebrow hair. Provides that the term "cosmetology" does not include threading and that an "esthetician" does not mean a person who engages in threading and does not engage in the practice of esthetics. Effective immediately.

LRB096 16272 ASK 31529 b

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 Sections 1-4,  
6 3-1, 3A-1, and 4-1 as follows:

7 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

8 (Section scheduled to be repealed on January 1, 2016)

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

11 "Board" means the Barber, Cosmetology, Esthetics, and Nail  
12 Technology Board.

13 "Department" means the Department of Professional  
14 Regulation.

15 "Director" means the Director of Professional Regulation.

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

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

23 "Licensed cosmetologist" means an individual licensed by

1 the Department to practice cosmetology, nail technology, and  
2 esthetics as defined in this Act and whose license is in good  
3 standing.

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

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

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

1 by the Department to practice esthetics as defined in this Act  
2 and to provide instruction in the theory and practice of  
3 esthetics to students in an approved cosmetology or esthetics  
4 school.

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

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

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

20 "Enrollment" is the date upon which the student signs an  
21 enrollment agreement or student contract.

22 "Enrollment agreement" or "student contract" is any  
23 agreement, instrument, or contract however named, which  
24 creates or evidences an obligation binding a student to  
25 purchase a course of instruction from a school.

26 "Enrollment time" means the maximum number of hours a

1 student could have attended class, whether or not the student  
2 did in fact attend all those hours.

3 "Elapsed enrollment time" means the enrollment time  
4 elapsed between the actual starting date and the date of the  
5 student's last day of physical attendance in the school.

6 "Threading" means any technique that results in the removal  
7 of superfluous hair from the body by twisting thread around  
8 unwanted hair and then pulling it from the skin; and may also  
9 include the incidental trimming of eyebrow hair.

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

11 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

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

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

1 feet, lower legs, and knees of another person for other than  
2 the treatment of medical disorders; any practice of epilation  
3 or depilation of any person; any practice for the purpose of  
4 cleansing, massaging or toning the skin of the scalp;  
5 beautifying, massaging, cleansing, exfoliating, or stimulating  
6 the stratum corneum of the epidermis by the use of cosmetic  
7 preparations, body treatments, body wraps, the use of  
8 hydrotherapy, or any device, electrical, mechanical, or  
9 otherwise; applying make-up or eyelashes to any person or  
10 lightening hair on the body and removing superfluous hair from  
11 the body of any person by the use of depilatories, waxing or  
12 tweezers. The term "cosmetology" does not include threading or  
13 the services provided by an electrologist. Nail technology is  
14 the practice and the study of cosmetology only to the extent of  
15 manicuring, pedicuring, decorating, and applying sculptured or  
16 otherwise artificial nails, or in any way caring for the nail  
17 or the skin of the hands or feet including massaging the hands,  
18 arms, elbows, feet, lower legs, and knees. Cosmetologists are  
19 prohibited from using any technique, product, or practice  
20 intended to affect the living layers of the skin. The term  
21 cosmetology includes rendering advice on what is cosmetically  
22 appealing, but no person licensed under this Act shall render  
23 advice on what is appropriate medical treatment for diseases of  
24 the skin. Purveyors of cosmetics may demonstrate such cosmetic  
25 products in conjunction with any sales promotion and shall not  
26 be required to hold a license under this Act. Nothing in this

1 Act shall be construed to prohibit the shampooing of hair by  
2 persons employed for that purpose and who perform that task  
3 under the direct supervision of a licensed cosmetologist or  
4 licensed cosmetology teacher.

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

6 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

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

8 Sec. 3A-1. Esthetics defined.

9 (A) Any one or combination of the following practices, when  
10 done for cosmetic or beautifying purposes and not for the  
11 treatment of disease or of a muscular or nervous disorder,  
12 constitutes the practice of esthetics:

13 1. Beautifying, massaging, cleansing, exfoliating, or  
14 stimulating the stratum corneum of the epidermis by the use  
15 of cosmetic preparations, body treatments, body wraps,  
16 hydrotherapy, or any device, electrical, mechanical, or  
17 otherwise, for the care of the skin;

18 2. Applying make-up or eyelashes to any person or  
19 lightening hair on the body except the scalp; and

20 3. Removing superfluous hair from the body of any  
21 person.

22 However, esthetics does not include the services provided  
23 by a cosmetologist or electrologist. Estheticians are  
24 prohibited from using techniques, products, and practices  
25 intended to affect the living layers of the skin. The term

1 esthetics includes rendering advice on what is cosmetically  
2 appealing, but no person licensed under this Act shall render  
3 advice on what is appropriate medical treatment for diseases of  
4 the skin.

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

14 (C) "Esthetician" does not mean a person who engages in  
15 threading and does not engage in one or more of the practices  
16 listed under subsections (A) or (B) of this Section.

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

18 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

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

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

23 (1) To cause to be conducted examinations to ascertain  
24 the qualifications and fitness of applicants for licensure  
25 as cosmetologists, estheticians, nail technicians, or



1 barbers and as cosmetology, esthetics, nail technology, or  
2 barbering teachers.

3 (2) To determine the qualifications for licensure as a  
4 cosmetologist, esthetician, nail technician, or barber or  
5 cosmetology, esthetics, nail technology, or barber teacher  
6 or cosmetology, esthetics, or nail technology clinic  
7 teachers for persons currently licensed as cosmetologists,  
8 estheticians, nail technicians, or barbers or cosmetology,  
9 esthetics, nail technology, or barber teachers or  
10 cosmetology, esthetics, or nail technology clinic teachers  
11 outside the State of Illinois or the continental U.S.

12 (3) To prescribe rules for:

13 (i) The method of examination of candidates for  
14 licensure as a cosmetologist, esthetician, nail  
15 technician, or barber or cosmetology, esthetics, nail  
16 technology, or barbering teacher.

17 (ii) Minimum standards as to what constitutes an  
18 approved school of cosmetology, esthetics, nail  
19 technology, or barbering.

20 (4) To conduct investigations or hearings on  
21 proceedings to determine disciplinary action.

22 (5) To prescribe reasonable rules governing the  
23 sanitary regulation and inspection of cosmetology,  
24 esthetics, nail technology, or barbering schools, salons,  
25 or shops.

26 (6) To prescribe reasonable rules for the method of

1 renewal for each license as a cosmetologist, esthetician,  
2 nail technician, or barber or cosmetology, esthetics, nail  
3 technology, or barbering teacher or cosmetology,  
4 esthetics, or nail technology clinic teacher.

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

10 (8) To adopt rules concerning sanitation requirements,  
11 requirements for education on sanitation, and any other  
12 health concerns associated with threading.

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

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.