

1 AN ACT concerning 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, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 1-4, 2A-7, and 3B-10 as follows:

7 (225 ILCS 410/1-4)

8 (Section scheduled to be repealed on January 1, 2016)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 Financial and
14 Professional Regulation.

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

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

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

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

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

25 "Licensed esthetics teacher" means an individual licensed
26 by the Department to practice esthetics as defined in this Act

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

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

9 "Licensed hair braider" means any individual licensed by
10 the Department to practice hair braiding as defined in Section
11 3E-1 and whose license is in good standing.

12 "Licensed hair braiding teacher" means an individual
13 licensed by the Department to practice hair braiding and to
14 provide instruction in the theory and practice of hair braiding
15 to students in an approved cosmetology school.

16 "Licensed nail technology teacher" means an individual
17 licensed by the Department to practice nail technology and to
18 provide instruction in the theory and practice of nail
19 technology to students in an approved nail technology school or
20 cosmetology school.

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

26 "Enrollment" is the date upon which the student signs an

1 enrollment agreement or student contract.

2 "Enrollment agreement" or "student contract" is any
3 agreement, instrument, or contract however named, which
4 creates or evidences an obligation binding a student to
5 purchase a course of instruction from a school.

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

9 "Elapsed enrollment time" means the enrollment time
10 elapsed between the actual starting date and the date of the
11 student's last day of physical attendance in the school.

12 ~~"School" means an institution of higher education that~~
13 ~~meets the requirements of 34 CFR 600.9.~~

14 "Secretary" means the Secretary of the Department of
15 Financial and Professional Regulation.

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

20 (Source: P.A. 96-1076, eff. 7-16-10; 96-1246, eff. 1-1-11;
21 97-333, eff. 8-12-11; 97-777, eff. 7-13-12.)

22 (225 ILCS 410/2A-7)

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

24 Sec. 2A-7. Requirements for licensure as barber school. No
25 person, firm, or corporation may own, operate, or conduct a

1 school or college of barbering for the purpose of teaching
2 barbering for compensation unless licensed by the Department. A
3 licensed school is a postsecondary educational institution
4 authorized by the Department to provide a postsecondary
5 education program in compliance with the requirements of this
6 Act. An applicant shall apply to ~~without filing an application~~
7 ~~with~~ the Department on forms provided by the Department, pay
8 ~~paying~~ the required fees, and comply ~~complying~~ with the
9 following requirements:

10 1. The applicant must submit to the Department for
11 approval:

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

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

20 c. (Blank).

21 2. An application to own or operate a school shall
22 include the following:

23 a. If the owner is a corporation, a copy of the
24 Articles of Incorporation;

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

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

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

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

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

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

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

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

1 j. The required fee.

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

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

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

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

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

26 e. To post in a conspicuous place a statement,

1 developed by the Department, of student's rights
2 provided under this Act.

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

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

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

14 7. A final inspection of the barber school shall be
15 made by the Department before the school may commence
16 classes.

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

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

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
24 school. No person, firm, or corporation may own, operate, or
25 conduct a school of cosmetology, esthetics, hair braiding, or

1 nail technology for the purpose of teaching cosmetology,
2 esthetics, hair braiding, or nail technology for compensation
3 unless licensed by the Department. A licensed school is a
4 postsecondary educational institution authorized by the
5 Department to provide a postsecondary education program in
6 compliance with the requirements of this Act. An applicant
7 shall apply to the Department ~~without applying~~ on forms
8 provided by the Department, ~~pay~~ paying the required fees, and
9 comply ~~complying~~ with the following requirements:

10 1. The applicant must submit to the Department for
11 approval:

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

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

20 c. (Blank).

21 2. An application to own or operate a school shall
22 include the following:

23 a. If the owner is a corporation, a copy of the
24 Articles of Incorporation;

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

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

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

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

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

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

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

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

1 j. The required fee.

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

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

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

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

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

26 e. To post in a conspicuous place a statement,

1 developed by the Department, of student's rights
2 provided under this Act.

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

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

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

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

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

21 (Source: P.A. 96-1246, eff. 1-1-11.)