



Rep. Renée Kosel

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09800HB2210ham001

LRB098 09246 MGM 43384 a

1 AMENDMENT TO HOUSE BILL 2210

2 AMENDMENT NO. _____. Amend House Bill 2210 by replacing
3 everything after the enacting clause with the following:

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8 (Section scheduled to be repealed on January 1, 2016)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

1 whose license is in good standing.

2 "Licensed barber clinic teacher" means an individual
3 licensed by the Department to practice barbering, as defined in
4 this Act, and to provide clinical instruction in the practice
5 of barbering in an approved school of barbering.

6 "Licensed cosmetologist" means an individual licensed by
7 the Department to practice cosmetology, nail technology, and
8 esthetics as defined in this Act and whose license is in good
9 standing.

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

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

16 "Licensed barber teacher" means an individual licensed by
17 the Department to practice barbering as defined in this Act and
18 to provide instruction in the theory and practice of barbering
19 to students in an approved barber school.

20 "Licensed cosmetology 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 instruction in the theory and practice of cosmetology,
24 esthetics, and nail technology to students in an approved
25 cosmetology, esthetics, or nail technology school.

26 "Licensed cosmetology clinic teacher" means an individual

1 licensed by the Department to practice cosmetology, esthetics,
2 and nail technology as defined in this Act and to provide
3 clinical instruction in the practice of cosmetology,
4 esthetics, and nail technology in an approved school of
5 cosmetology, esthetics, or nail technology.

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

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

16 "Licensed hair braider" means any individual licensed by
17 the Department to practice hair braiding as defined in Section
18 3E-1 and whose license is in good standing.

19 "Licensed hair braiding teacher" means an individual
20 licensed by the Department to practice hair braiding and to
21 provide instruction in the theory and practice of hair braiding
22 to students in an approved cosmetology school.

23 "Licensed nail technology teacher" means an individual
24 licensed by the Department to practice nail technology and to
25 provide instruction in the theory and practice of nail
26 technology to students in an approved nail technology school or

1 cosmetology school.

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

7 "Enrollment" is the date upon which the student signs an
8 enrollment agreement or student contract.

9 "Enrollment agreement" or "student contract" is any
10 agreement, instrument, or contract however named, which
11 creates or evidences an obligation binding a student to
12 purchase a course of instruction from a school.

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

16 "Elapsed enrollment time" means the enrollment time
17 elapsed between the actual starting date and the date of the
18 student's last day of physical attendance in the school.

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

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation.

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

1 (Source: P.A. 96-1076, eff. 7-16-10; 96-1246, eff. 1-1-11;
2 97-333, eff. 8-12-11; 97-777, eff. 7-13-12.)

3 (225 ILCS 410/2A-7)

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

5 Sec. 2A-7. Requirements for licensure as barber school. No
6 person, firm, or corporation may own, operate, or conduct a
7 school or college of barbering for the purpose of teaching
8 barbering for compensation unless licensed by the Department. A
9 licensed school is a postsecondary educational institution
10 authorized by the Department to provide a postsecondary
11 education program in compliance with the requirements of this
12 Act. An applicant shall apply to ~~without filing an application~~
13 ~~with~~ the Department on forms provided by the Department, pay
14 ~~paying~~ the required fees, and comply ~~complying~~ with the
15 following requirements:

16 1. The applicant must submit to the Department for
17 approval:

18 a. A floor plan, drawn to a scale specified on the
19 floor plan, showing every detail of the proposed
20 school; and

21 b. A lease commitment or proof of ownership for the
22 location of the proposed school; a lease commitment
23 must provide for execution of the lease upon the
24 Department's approval of the school's application and
25 the lease must be for a period of at least one year.

1 c. (Blank).

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

4 a. If the owner is a corporation, a copy of the
5 Articles of Incorporation;

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

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

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

14 e. A listing of all teachers who will be in the
15 school's employ, including their teacher license
16 numbers;

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

18 g. The names, addresses, and current status of all
19 schools in which the applicant has previously owned any
20 interest, and a declaration as to whether any of these
21 schools were ever denied accreditation or licensing or
22 lost accreditation or licensing from any governmental
23 body or accrediting agency;

24 h. Each application for a certificate of approval
25 shall be signed and certified under oath by the
26 school's chief managing employee and also by its

1 individual owner or owners; if the applicant is a
2 partnership or a corporation, then the application
3 shall be signed and certified under oath by the
4 school's chief managing employee and also by each
5 member of the partnership or each officer of the
6 corporation, as the case may be;

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

8 j. The required fee.

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

11 a. To conduct the school in accordance with this
12 Act and the standards and rules from time to time
13 adopted under this Act and to meet standards and
14 requirements at least as stringent as those required by
15 Part H of the federal Higher Education Act of 1965.

16 b. To permit the Department to inspect the school
17 or classes thereof from time to time with or without
18 notice; and to make available to the Department, at any
19 time when required to do so, information including
20 financial information pertaining to the activities of
21 the school required for the administration of this Act
22 and the standards and rules adopted under this Act;

23 c. To utilize only advertising and solicitation
24 that is free from misrepresentation, deception, fraud,
25 or other misleading or unfair trade practices;

26 d. To screen applicants to the school prior to

1 enrollment pursuant to the requirements of the
2 school's regional or national accrediting agency, if
3 any, and to maintain any and all records of such
4 screening; if the course of instruction is offered in a
5 language other than English, the screening shall also
6 be performed in that language;

7 e. To post in a conspicuous place a statement,
8 developed by the Department, of student's rights
9 provided under this Act.

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

15 5. The applicant shall comply with all rules of the
16 Department determining the necessary curriculum and
17 equipment required for the conduct of the school.

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

21 7. A final inspection of the barber school shall be
22 made by the Department before the school may commence
23 classes.

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

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

2 (225 ILCS 410/3B-10)

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

4 Sec. 3B-10. Requisites for ownership or operation of
5 school. No person, firm, or corporation may own, operate, or
6 conduct a school of cosmetology, esthetics, hair braiding, or
7 nail technology for the purpose of teaching cosmetology,
8 esthetics, hair braiding, or nail technology for compensation
9 unless licensed by the Department. A licensed school is a
10 postsecondary educational institution authorized by the
11 Department to provide a postsecondary education program in
12 compliance with the requirements of this Act. An applicant
13 shall apply to the Department ~~without applying~~ on forms
14 provided by the Department, pay ~~paying~~ the required fees, and
15 comply ~~complying~~ with the following requirements:

16 1. The applicant must submit to the Department for
17 approval:

18 a. A floor plan, drawn to a scale specified on the
19 floor plan, showing every detail of the proposed
20 school; and

21 b. A lease commitment or proof of ownership for the
22 location of the proposed school; a lease commitment
23 must provide for execution of the lease upon the
24 Department's approval of the school's application and
25 the lease must be for a period of at least one year.

1 c. (Blank).

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

4 a. If the owner is a corporation, a copy of the
5 Articles of Incorporation;

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

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

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

14 e. A listing of all teachers who will be in the
15 school's employ, including their teacher license
16 numbers;

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

18 g. The names, addresses, and current status of all
19 schools in which the applicant has previously owned any
20 interest, and a declaration as to whether any of these
21 schools were ever denied accreditation or licensing or
22 lost accreditation or licensing from any governmental
23 body or accrediting agency;

24 h. Each application for a certificate of approval
25 shall be signed and certified under oath by the
26 school's chief managing employee and also by its

1 individual owner or owners; if the applicant is a
2 partnership or a corporation, then the application
3 shall be signed and certified under oath by the
4 school's chief managing employee and also by each
5 member of the partnership or each officer of the
6 corporation, as the case may be;

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

8 j. The required fee.

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

11 a. To conduct the school in accordance with this
12 Act and the standards, and rules from time to time
13 adopted under this Act and to meet standards and
14 requirements at least as stringent as those required by
15 Part H of the Federal Higher Education Act of 1965.

16 b. To permit the Department to inspect the school
17 or classes thereof from time to time with or without
18 notice; and to make available to the Department, at any
19 time when required to do so, information including
20 financial information pertaining to the activities of
21 the school required for the administration of this Act
22 and the standards and rules adopted under this Act;

23 c. To utilize only advertising and solicitation
24 which is free from misrepresentation, deception,
25 fraud, or other misleading or unfair trade practices;

26 d. To screen applicants to the school prior to

1 enrollment pursuant to the requirements of the
2 school's regional or national accrediting agency, if
3 any, and to maintain any and all records of such
4 screening. If the course of instruction is offered in a
5 language other than English, the screening shall also
6 be performed in that language;

7 e. To post in a conspicuous place a statement,
8 developed by the Department, of student's rights
9 provided under this Act.

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

15 5. The applicant shall comply with all rules of the
16 Department determining the necessary curriculum and
17 equipment required for the conduct of the school.

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

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

24 8. A written inspection report must be made by the
25 State Fire Marshal or a local fire authority approving the
26 use of the proposed premises as a cosmetology, esthetics,

1 hair braiding, or nail technology school.

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