



Rep. Daniel J. Burke

**Filed: 4/10/2015**

09900HB3655ham002

LRB099 08956 MLM 33822 a

1 AMENDMENT TO HOUSE BILL 3655

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3655 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 ~~The Barber, Cosmetology, Esthetics, Hair Braiding, and~~  
14 ~~Nail Technology Act of 1985.~~

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

1 The Illinois Physical Therapy Act.

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following  
7 Act is repealed on January 1, 2026:

8 The Barber, Cosmetology, Esthetics, Hair Braiding, Nail  
9 Technology, and Eyelash Extension Application Act of 1985.

10 Section 10. The Massage Licensing Act is amended by  
11 changing Section 30 as follows:

12 (225 ILCS 57/30)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 30. Title protection.

15 (a) Persons regulated by this Act are designated as massage  
16 therapists and therefore are exclusively entitled to utilize  
17 the terms "massage", "massage therapy", and "massage  
18 therapist" when advertising or printing promotional material.

19 (b) Anyone who knowingly aids and abets one or more persons  
20 not authorized to use a professional title regulated by this  
21 Act or knowingly employs persons not authorized to use the  
22 regulated professional title in the course of their employment,  
23 commits a violation of this Act.

1 (c) Anyone not authorized, under the definitions of this  
2 Act, to utilize the term "massage", "massage therapy", or  
3 "massage therapist" and who knowingly utilizes these terms when  
4 advertising commits a violation of this Act.

5 (d) Nothing in this Act shall prohibit the use of the terms  
6 "massage", "massage therapy", or "massage therapist" by a salon  
7 registered under the Barber, Cosmetology, Esthetics, Hair  
8 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
9 Application Act of 1985, provided that the salon offers massage  
10 therapy services in accordance with this Act.

11 (Source: P.A. 97-514, eff. 8-23-11.)

12 Section 15. The Barber, Cosmetology, Esthetics, Hair  
13 Braiding, and Nail Technology Act of 1985 is amended by  
14 changing Sections 1-1, 1-2, 1-4, 1-7, 1-7.5, 1-10, 1-11, the  
15 heading of Article IIIB, 3B-1, 3B-10, 3B-11, 3B-12, 3B-15,  
16 3B-16, the heading of Article IIID, 3D-5, and 3E-2 and Sections  
17 4-1, 4-2, 4-4, 4-7, 4-9, 4-19, and 4-20 and by adding the  
18 heading of Article IIIF and Sections 3F-1, 3F-2, 3F-3, 3F-4,  
19 3F-5, and 3F-6 as follows:

20 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

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

22 Sec. 1-1. Title of Act. This Act may be cited as the  
23 Barber, Cosmetology, Esthetics, Hair Braiding, ~~and~~ Nail  
24 Technology, and Eyelash Extension Application Act of 1985.

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

2 (225 ILCS 410/1-2) (from Ch. 111, par. 1701-2)

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

4 Sec. 1-2. Public policy. The practices of barbering,  
5 cosmetology, esthetics, hair braiding, ~~and~~ nail technology,  
6 and eyelash extension application in the State of Illinois are  
7 hereby declared to affect the public health, safety and welfare  
8 and to be subject to regulation and control in the public  
9 interest. It is further declared to be a matter of public  
10 interest and concern that the professions merit and receive the  
11 confidence of the public and that only qualified persons be  
12 permitted to practice said professions in the State of  
13 Illinois. This Act shall be liberally construed to carry out  
14 these objects and purposes.

15 (Source: P.A. 98-911, eff. 1-1-15.)

16 (225 ILCS 410/1-4)

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, Hair  
21 Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
22 Application Board.

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

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

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

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

11 "Licensed eyelash extension application technician" means  
12 an individual licensed by the Department to practice eyelash  
13 extension application as defined in this Act and whose license  
14 is in good standing.

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

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

22 "Licensed cosmetology teacher" means an individual  
23 licensed by the Department to practice cosmetology, esthetics,  
24 hair braiding, and nail technology as defined in this Act and  
25 to provide instruction in the theory and practice of  
26 cosmetology, esthetics, and nail technology to students in an

1 approved cosmetology, esthetics, or nail technology school.

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

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

13 "Licensed eyelash extension application teacher" means an  
14 individual licensed by the Department to practice eyelash  
15 extension application as defined in this Act and to provide  
16 instruction in the theory and practice of eyelash extension  
17 application to students in an approved eyelash extension  
18 application school.

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

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

26 "Licensed nail technology teacher" means an individual

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

5 "Enrollment" is the date upon which the student signs an  
6 enrollment agreement or student contract.

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

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

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

17 "Eyelash extension application" means any technique in  
18 which semi-permanent, thread-like extensions are bonded to a  
19 person's eyelashes.

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

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

26 (Source: P.A. 97-333, eff. 8-12-11; 97-777, eff. 7-13-12;

1 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

2 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

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

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

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



1 eyelash extension application, or barber teacher without a  
2 license as a teacher, issued by the Department or as a  
3 cosmetology clinic teacher without a license as a clinic  
4 teacher issued by the Department.

5 (b) Notwithstanding any other provision of this Act, a  
6 person licensed as a cosmetologist may hold himself or herself  
7 out as an esthetician and may engage in the practice of  
8 esthetics, as defined in this Act, without being licensed as an  
9 esthetician. A person licensed as a cosmetology teacher may  
10 teach esthetics or hold himself or herself out as an esthetics  
11 teacher without being licensed as an esthetics teacher. A  
12 person licensed as a cosmetologist may hold himself or herself  
13 out as a nail technician and may engage in the practice of nail  
14 technology, as defined in this Act, without being licensed as a  
15 nail technician. A person licensed as a cosmetology teacher may  
16 teach nail technology and hold himself or herself out as a nail  
17 technology teacher without being licensed as a nail technology  
18 teacher. A person licensed as a cosmetologist may hold himself  
19 or herself out as a hair braider and may engage in the practice  
20 of hair braiding, as defined in this Act, without being  
21 licensed as a hair braider. A person licensed as a cosmetology  
22 teacher may teach hair braiding and hold himself or herself out  
23 as a hair braiding teacher without being licensed as a hair  
24 braiding teacher.

25 (c) A person licensed as a barber teacher may hold himself  
26 or herself out as a barber and may practice barbering without a

1 license as a barber. A person licensed as a cosmetology teacher  
2 may hold himself or herself out as a cosmetologist,  
3 esthetician, hair braider, and nail technologist and may  
4 practice cosmetology, esthetics, hair braiding, and nail  
5 technology without a license as a cosmetologist, esthetician,  
6 hair braider, or nail technologist. A person licensed as an  
7 esthetics teacher may hold himself or herself out as an  
8 esthetician without being licensed as an esthetician and may  
9 practice esthetics. A person licensed as a nail technician  
10 teacher may practice nail technology and may hold himself or  
11 herself out as a nail technologist without being licensed as a  
12 nail technologist. A person licensed as a hair braiding teacher  
13 may practice hair braiding and may hold himself or herself out  
14 as a hair braider without being licensed as a hair braider.

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

18 (Source: P.A. 98-911, eff. 1-1-15.)

19 (225 ILCS 410/1-7.5)

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

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

22 (a) Any person who practices, offers to practice, attempts  
23 to practice, or holds himself or herself out to practice  
24 barbering, cosmetology, esthetics, hair braiding, eyelash  
25 extension application, or nail technology without being

1 licensed under this Act shall, in addition to any other penalty  
2 provided by law, pay a civil penalty to the Department in an  
3 amount not to exceed \$5,000 for each offense as determined by  
4 the Department. The civil penalty shall be assessed by the  
5 Department after a hearing is held in accordance with the  
6 provisions set forth in this Act regarding disciplining a  
7 licensee.

8 (b) The Department has the authority and power to  
9 investigate any and all unlicensed activity.

10 (c) The civil penalty shall be paid within 60 days after  
11 the effective date of the order imposing the civil penalty. The  
12 order shall constitute a judgment and may be filed and  
13 execution had thereon in the same manner as any judgment from  
14 any court of record.

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

16 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

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

18 Sec. 1-10. Display. Every holder of a license shall display  
19 it in a place in the holder's principal office, place of  
20 business or place of employment. Whenever a licensed  
21 cosmetologist, esthetician, nail technician, hair braider,  
22 eyelash extension application technician, or barber practices  
23 cosmetology, esthetics, nail technology, hair braiding,  
24 eyelash extension application, or barbering outside of or away  
25 from the cosmetologist's, esthetician's, nail technician's,

1 hair braider's, eyelash extension application technician's, or  
2 barber's principal office, place of business, or place of  
3 employment, the cosmetologist, esthetician, nail technician,  
4 hair braider, eyelash extension application technician, or  
5 barber shall deliver to each person served a certificate of  
6 identification in a form specified by the Department.

7 Every registered shop shall display its certificate of  
8 registration at the location of the shop. Each shop where  
9 barber, cosmetology, esthetics, hair braiding, eyelash  
10 extension application, or nail technology services are  
11 provided shall have a certificate of registration.

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

13 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

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

15 Sec. 1-11. Exceptions to Act.

16 (a) Nothing in this Act shall be construed to apply to the  
17 educational activities conducted in connection with any  
18 monthly, annual or other special educational program of any  
19 bona fide association of licensed cosmetologists,  
20 estheticians, nail technicians, hair braiders, eyelash  
21 extension application technicians, or barbers, or licensed  
22 cosmetology, esthetics, nail technology, hair braiding, or  
23 barber schools from which the general public is excluded.

24 (b) Nothing in this Act shall be construed to apply to the  
25 activities and services of registered nurses or licensed

1 practical nurses, as defined in the Nurse Practice Act, or to  
2 personal care or health care services provided by individuals  
3 in the performance of their duties as employed or authorized by  
4 facilities or programs licensed or certified by State agencies.  
5 As used in this subsection (b), "personal care" means  
6 assistance with meals, dressing, movement, bathing, or other  
7 personal needs or maintenance or general supervision and  
8 oversight of the physical and mental well-being of an  
9 individual who is incapable of maintaining a private,  
10 independent residence or who is incapable of managing his or  
11 her person whether or not a guardian has been appointed for  
12 that individual. The definition of "personal care" as used in  
13 this subsection (b) shall not otherwise be construed to negate  
14 the requirements of this Act or its rules.

15 (c) Nothing in this Act shall be deemed to require  
16 licensure of individuals employed by the motion picture, film,  
17 television, stage play or related industry for the purpose of  
18 providing cosmetology, temporary eyelash enhancement, or  
19 esthetics services to actors of that industry while engaged in  
20 the practice of cosmetology or esthetics as a part of that  
21 person's employment.

22 (Source: P.A. 95-639, eff. 10-5-07; 96-1246, eff. 1-1-11.)

23 (225 ILCS 410/Art. III B heading)

24 ARTICLE III B. BARBER, COSMETOLOGY, ESTHETICS, HAIR BRAIDING,  
25 EYELASH EXTENSION APPLICATION, AND NAIL TECHNOLOGY SCHOOLS

1 (Source: P.A. 98-911, eff. 1-1-15.)

2 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

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

4 Sec. 3B-1. Application. The provisions of this Article are  
5 applicable only to barber, cosmetology, esthetics, hair  
6 braiding, eyelash extension application, and nail technology  
7 schools regulated under this Act.

8 (Source: P.A. 98-911, eff. 1-1-15.)

9 (225 ILCS 410/3B-10)

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

11 Sec. 3B-10. Requisites for ownership or operation of  
12 school. No person, firm, or corporation may own, operate, or  
13 conduct a school of barbering, cosmetology, esthetics, hair  
14 braiding, eyelash extension application, or nail technology  
15 for the purpose of teaching barbering, cosmetology, esthetics,  
16 hair braiding, eyelash extension application, or nail  
17 technology for compensation unless licensed by the Department.  
18 A licensed school is a postsecondary educational institution  
19 authorized by the Department to provide a postsecondary  
20 education program in compliance with the requirements of this  
21 Act. An applicant shall apply to the Department on forms  
22 provided by the Department, pay the required fees, and comply  
23 with the following requirements:

24 1. The applicant must submit to the Department for

1 approval:

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

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

10 c. (Blank).

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

13 a. If the owner is a corporation, a copy of the  
14 Articles of Incorporation;

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

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

20 d. A copy of the official enrollment agreement or  
21 student contract to be used by the school, which shall  
22 be consistent with the requirements of this Act and  
23 rules;

24 e. A listing of all teachers who will be in the  
25 school's employ, including their teacher license  
26 numbers;

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

2 g. The names, addresses, and current status of all  
3 schools in which the applicant has previously owned any  
4 interest, and a declaration as to whether any of these  
5 schools were ever denied accreditation or licensing or  
6 lost accreditation or licensing from any governmental  
7 body or accrediting agency;

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

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

18 j. The required fee.

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

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

26 b. To permit the Department to inspect the school



1 or classes thereof from time to time with or without  
2 notice; and to make available to the Department, at any  
3 time when required to do so, information including  
4 financial information pertaining to the activities of  
5 the school required for the administration of this Act  
6 and the standards and rules adopted under this Act;

7 c. To utilize only advertising and solicitation  
8 which is free from misrepresentation, deception,  
9 fraud, or other misleading or unfair trade practices;

10 d. To screen applicants to the school prior to  
11 enrollment pursuant to the requirements of the  
12 school's regional or national accrediting agency, if  
13 any, and to maintain any and all records of such  
14 screening. If the course of instruction is offered in a  
15 language other than English, the screening shall also  
16 be performed in that language;

17 e. To post in a conspicuous place a statement,  
18 developed by the Department, of student's rights  
19 provided under this Act.

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

25 5. The applicant shall comply with all rules of the  
26 Department determining the necessary curriculum and

1 equipment required for the conduct of the school.

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

5 7. A final inspection of the barber, cosmetology,  
6 esthetics, hair braiding, eyelash extension application,  
7 or nail technology school shall be made by the Department  
8 before the school may commence classes.

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

14 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15.)

15 (225 ILCS 410/3B-11)

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

17 Sec. 3B-11. Periodic review of barber, cosmetology,  
18 esthetics, hair braiding, eyelash extension application, and  
19 nail technology schools. The Department shall review at least  
20 biennially all approved schools and courses of instruction. The  
21 biennial review shall include consideration of a comparison  
22 between the graduation or completion rate for the school and  
23 the graduation or completion rate for the schools within that  
24 classification of schools. Consideration shall be given to  
25 complaints and information forwarded to the Department by the

1 Federal Trade Commission, Better Business Bureaus, the  
2 Illinois Attorney General's Office, a State's Attorney's  
3 Office, other State or official approval agencies, local school  
4 officials, and interested persons. The Department shall  
5 investigate all complaints filed with the Department about a  
6 school or its sales representatives.

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

14 (Source: P.A. 98-911, eff. 1-1-15.)

15 (225 ILCS 410/3B-12)

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

17 Sec. 3B-12. Enrollment agreements.

18 (a) Enrollment agreements shall be used by barber,  
19 cosmetology, esthetics, hair braiding, eyelash extension  
20 application, and nail technology schools licensed to operate by  
21 the Department and shall include the following written  
22 disclosures:

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

25 (2) The name and description of the course of

1 instruction, including the number of clock hours in each  
2 course and an approximate number of weeks or months  
3 required for completion;

4 (3) The scheduled starting date and calculated  
5 completion date;

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

9 (5) A clear and conspicuous statement that the contract  
10 is a legally binding instrument when signed by the student  
11 and accepted by the school;

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

21 (7) A notice to the students that the cancellation must  
22 be in writing and given to the registered agent, if any, or  
23 managing employee of the school;

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

26 (9) The date of the student's signature and the date of

1 the student's admission;

2 (10) The name of the school employee or agent  
3 responsible for procuring, soliciting, or enrolling the  
4 student;

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

8 (12) The graduation requirements of the school;

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

11 "NOTICE TO THE STUDENT"

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

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

21 (15) The following clear and conspicuous caption:  
22 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE  
23 DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set  
24 forth with the address and telephone number of the  
25 Department's Chicago and Springfield offices.

26 (b) If the enrollment is negotiated orally in a language

1 other than English, then copies of the above disclosures shall  
2 be tendered in the language in which the contract was  
3 negotiated prior to executing the enrollment agreement.

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

7 (d) No enrollment agreement or student contract shall  
8 contain a wage assignment provision or a confession of judgment  
9 clause.

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

15 (f) Two copies of the enrollment agreement shall be signed  
16 by the student. One copy shall be given to the student and the  
17 school shall retain the other copy as part of the student's  
18 permanent record.

19 (Source: P.A. 98-911, eff. 1-1-15.)

20 (225 ILCS 410/3B-15)

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

22 Sec. 3B-15. Grounds for disciplinary action. In addition to  
23 any other cause herein set forth the Department may refuse to  
24 issue or renew and may suspend, place on probation, or revoke  
25 any license to operate a school, or take any other disciplinary

1 or non-disciplinary action that the Department may deem proper,  
2 including the imposition of fines not to exceed \$5,000 for each  
3 violation, for any one or any combination of the following  
4 causes:

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

7 (2) Knowingly furnishing false, misleading, or  
8 incomplete information to the Department or failure to  
9 furnish information requested by the Department.

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

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

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

22 (6) Failure to maintain financial resources adequate  
23 for the satisfactory conduct of the courses of instruction  
24 offered or to retain a sufficient and qualified  
25 instructional and administrative staff.

26 (7) Refusal to admit applicants on account of race,

1 color, creed, sex, physical or mental handicap unrelated to  
2 ability, religion, or national origin.

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

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

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

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

14 (12) Failure to make all of the disclosures or making  
15 inaccurate disclosures to the Department or in the  
16 enrollment agreement as required under this Act.

17 (13) Failure to make appropriate refunds as required by  
18 this Act.

19 (14) Denial, loss, or withdrawal of accreditation by  
20 any accrediting agency.

21 (15) During any calendar year, having a failure rate of  
22 25% or greater for those of its students who for the first  
23 time take the examination authorized by the Department to  
24 determine fitness to receive a license as a barber, barber  
25 teacher, cosmetologist, cosmetology teacher, esthetician,  
26 esthetician teacher, eyelash extension application



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

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

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

19       (Source: P.A. 98-911, eff. 1-1-15.)

20       (225 ILCS 410/3B-16)

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

22       Sec. 3B-16. Department of Corrections. The Secretary may  
23       waive any requirement of this Act or of the rules enacted by  
24       the Department pursuant to this Act pertaining to the operation  
25       of a barber, cosmetology, esthetics, hair braiding, eyelash

1 extension application, or nail technology school owned or  
2 operated by the Department of Corrections and located in a  
3 correctional facility to educate inmates that is inconsistent  
4 with the mission or operations of the Department of Corrections  
5 or is detrimental to the safety and security of any  
6 correctional facility. Nothing in this Section 3B-16 exempts  
7 the Department of Corrections from the necessity of licensure.

8 (Source: P.A. 98-911, eff. 1-1-15.)

9 (225 ILCS 410/Art. IIID heading)

10 ARTICLE IIID. COSMETOLOGY, ESTHETICS, HAIR BRAIDING,  
11 EYELASH EXTENSION APPLICATION, AND NAIL TECHNOLOGY SALONS AND  
12 BARBER SHOPS

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

14 (225 ILCS 410/3D-5)

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

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

19 (a) No person, firm, partnership, limited liability  
20 company, or corporation shall own or operate a cosmetology,  
21 esthetics, hair braiding, eyelash extension application, or  
22 nail technology salon or barber shop or employ, rent space to,  
23 or independently contract with any licensee under this Act  
24 without applying on forms provided by the Department for a

1 certificate of registration.

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

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

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

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

1 under this Act.

2 (f) The Department may promulgate rules to establish  
3 additional requirements for owning or operating a salon or  
4 shop.

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

6 (225 ILCS 410/3E-2)

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

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

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

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

14 (2) Is beyond the age of compulsory school attendance  
15 or has received a certificate of graduation from a school  
16 providing secondary education, or the recognized  
17 equivalent of that certificate; and

18 (3) Has completed a program consisting of a minimum of  
19 300 clock hours or a 10 credit hour equivalency of  
20 instruction, as defined by rule, in a licensed cosmetology  
21 school teaching a hair braiding curriculum or in a licensed  
22 hair braiding school as follows:

23 (A) Basic training consisting of 35 hours of  
24 classroom instruction in general theory, practical  
25 application, and technical application in the

1 following subject areas: history of hair braiding,  
2 personal hygiene and public health, professional  
3 ethics, disinfection and sanitation, bacteriology,  
4 disorders and diseases of the hair and scalp, OSHA  
5 standards relating to material safety data sheets  
6 (MSDS) on chemicals, hair analysis and scalp care, and  
7 technical procedures;

8 (B) Related concepts consisting of 35 hours of  
9 classroom instruction in the following subject areas:  
10 Braid removal and scalp care; basic styling knowledge;  
11 tools and equipment; growth patterns, styles and  
12 sectioning; client consultation and face shapes; and  
13 client education, pre-care, post-care, home care and  
14 follow-up services;

15 (C) Practices and procedures consisting of 200  
16 hours of instruction, which shall be a combination of  
17 classroom instruction and clinical practical  
18 application, in the following subject areas: single  
19 braids with and without extensions; cornrows with and  
20 without extensions; twists and knots; multiple  
21 strands; hair locking; weaving/sewn-in; other  
22 procedures as they relate to hair-braiding; and  
23 product knowledge as it relates to hair braiding; and

24 (D) Business practices consisting of 30 hours of  
25 classroom instruction in the following subject areas:  
26 Illinois Barber, Cosmetology, Esthetics, Hair

1           Braiding, ~~and~~ Nail Technology, and Eyelash Extension  
2           Application Act of 1985 and Rules; salon management;  
3           human relations and salesmanship; and Workers'  
4           Compensation Act.

5           (b) The expiration date and renewal period for each license  
6           issued under this Act shall be set by rule.

7           (c) Within 2 years after the effective date of this  
8           amendatory Act of the 96th General Assembly, the Department may  
9           issue a hair braider license to any applicant who does not meet  
10          the requirements of items (2) and (3) of subsection (a) of this  
11          Section if the applicant: (1) files an application in  
12          accordance with subsection (a), (2) pays the required fee, (3)  
13          has not committed an offense that would be grounds for  
14          discipline under this Act, and (4) is able to demonstrate to  
15          the Department through tax records or affidavits that he or she  
16          has practiced hair braiding for at least 2 consecutive years  
17          immediately prior to the date of his or her application.

18          A hair braider who obtains his or her license under this  
19          subsection (c) may renew his or her license if he or she  
20          applies to the Department for renewal and has completed at  
21          least 65 hours of relevant training in health, safety, hygiene,  
22          and business management in accordance with the requirements of  
23          this Section or any rule adopted pursuant to this Section. A  
24          hair braider who renews his or her license under this  
25          subsection (c) may thereafter only renew his or her license if  
26          he or she meets the requirements of Section 3E-5 of this Act.

1 (Source: P.A. 96-1246, eff. 1-1-11; 97-333, eff. 8-12-11.)

2 (225 ILCS 410/Art. IIIIF heading new)

3 ARTICLE IIIIF. EYELASH EXTENSION APPLICATION TECHNICIANS

4 (225 ILCS 410/3F-1 new)

5 Sec. 3F-1. Definitions. As used in this Article:

6 "Eyelash extension application" means applying  
7 semi-permanent, thread-like extensions composed of single  
8 fibers to a person's eyelashes.

9 "Eyelash extension application teacher" means an  
10 individual licensed by the Department to practice eyelash  
11 extension application as defined in this Act and to provide  
12 instruction in the theory and practice of eyelash extension  
13 application to students in an approved eyelash extension  
14 application school.

15 "Eyelash extension application technician" means an  
16 individual licensed by the Department to practice eyelash  
17 extension application as defined in this Act and whose license  
18 is in good standing. "Eyelash extension application  
19 technician" includes individuals rendering advice on what is  
20 cosmetically appealing, but no person licensed under this Act  
21 shall render advice on what is appropriate medical treatment  
22 for diseases of the eyes or eyelashes.

23 (225 ILCS 410/3F-2 new)

1       Sec. 3F-2. Licensure as an eyelash extension application  
2 technician; qualifications. A person is qualified to receive a  
3 license as an eyelash extension application technician if that  
4 person has applied in writing on forms provided by the  
5 Department, paid any required fees, and:

6       (1) is at least 17 years of age;

7       (2) has obtained a high school diploma or the equivalent of  
8 a high school diploma or has passed a valid examination  
9 administered by a certified testing agency that measures the  
10 person's ability to benefit from training;

11       (3) has completed an eyelash extension application  
12 training program which includes at least 320 hours of classroom  
13 instruction and practical experience, including at least 8  
14 hours of theoretical instruction in the following areas:

15       (A) recognizing infectious or contagious diseases of  
16 the eye and allergic reactions to materials;

17       (B) proper sanitation practices;

18       (C) occupational health and safety practices;

19       (D) eyelash extension application procedures; and

20       (E) eyelash extension isolation and separation  
21 procedures;

22       (4) has passed an examination authorized by the Department  
23 to determine fitness to receive a license as an eyelash  
24 extension application technician;

25       (5) has met any other requirements of this Act and its  
26 rules; and



1       (6) has the opportunity to get a specialty designation.

2       (225 ILCS 410/3F-3 new)

3       Sec. 3F-3. Licensure as an eyelash extension application  
4 teacher; qualifications. A person is qualified to receive a  
5 license as an eyelash extension application teacher if that  
6 person has applied in writing on forms supplied by the  
7 Department, paid the required fees, and:

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

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

10          (3) has a current license as an eyelash extension  
11 application technician;

12          (4) has either: (i) completed a program of 500 hours of  
13 teacher training in a licensed school of cosmetology or a  
14 licensed esthetics school or an approved eyelash extension  
15 program and had 2 years of practical experience applying  
16 eyelashes in the 2 years preceding the examination; or (ii)  
17 completed a program of 750 hours of teacher training in a  
18 licensed school of cosmetology approved by the Department  
19 to teach eyelash extension application or a licensed  
20 esthetics school;

21          (5) has passed an examination authorized by the  
22 Department to determine eligibility to receive a license as  
23 a licensed eyelash extension application teacher; and

24          (6) has met any other requirements as required by this  
25 Act.

1 (225 ILCS 410/3F-4 new)

2 Sec. 3F-4. Licensure; renewal; continuing education;  
3 examination; military service. The holder of a license issued  
4 under this Article may renew such license during the month  
5 preceding the license's expiration date by paying the required  
6 fee and giving evidence, as the Department may prescribe, of  
7 completing not less than 10 hours of continuing education for  
8 eyelash extension application technicians, and not less than 20  
9 hours of continuing education for eyelash extension  
10 application teachers, within the 2 years prior to renewal. The  
11 training shall be in subjects approved by the Department, as  
12 prescribed by rule, upon recommendation of the Board.

13 A license that has expired or been placed on inactive  
14 status may be restored only by payment of the restoration fee  
15 and submitting evidence satisfactory to the Department of the  
16 current qualifications and fitness of the licensee, including  
17 the completion of continuing education hours for the period  
18 following expiration.

19 A license issued under the provisions of this Act that has  
20 expired while the holder of the license was engaged (1) in  
21 federal service on active duty with the Army of the United  
22 States, the United States Navy, the Marine Corps, the Air  
23 Force, the Coast Guard, or any Women's Auxiliary thereof, or  
24 the State Militia called into the service or training of the  
25 United States of America, or (2) in training or education under

1 the supervision of the United States preliminary to induction  
2 into the military service, may be reinstated or restored  
3 without the payment of any lapsed renewal fees, reinstatement  
4 fee, or restoration fee if within 2 years after the termination  
5 of such service, training, or education other than by  
6 dishonorable discharge, the holder furnishes the Department  
7 with an affidavit to the effect that he or she has been so  
8 engaged and that his or her service, training, or education has  
9 been so terminated.

10 The Department, in its discretion, may waive enforcement of  
11 the continuing education requirement in this Section, and shall  
12 adopt rules defining the standards and criteria for such  
13 waiver, under the following circumstances:

14 (1) the licensee resides in a locality where it is  
15 demonstrated that the absence of opportunities for such  
16 education would interfere with the ability of the licensee  
17 to provide service to the public;

18 (2) the licensee's compliance with the continuing  
19 education requirements would cause a substantial financial  
20 hardship on the licensee;

21 (3) the licensee is serving in the United States Armed  
22 Forces; or

23 (4) the licensee is incapacitated due to illness.

24 (225 ILCS 410/3F-5 new)

25 Sec. 3F-5. Eyelash extension application technician

1 licensed elsewhere. Upon payment of the required fee, an  
2 applicant who is an eyelash extension application technician  
3 registered or licensed under the laws of another state or  
4 territory of the United States or of a foreign country or  
5 province may, without examination, be granted a license as a  
6 licensed eyelash extension application technician by the  
7 Department in its discretion upon the following conditions:

8 (a) In the case of an eyelash extension application  
9 technician registered or licensed elsewhere:

10 (1) the applicant is at least 17 years of age; and

11 (2) the requirements for the registration or licensing  
12 of eyelash extension application technician in the  
13 particular state, territory, country, or province were at  
14 the date of the license substantially equivalent to the  
15 requirements then in force in this State.

16 (b) In the case of an eyelash extension application teacher  
17 registered or licensed elsewhere:

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

19 (2) the requirements for the registration or licensing  
20 of esthetics teachers in the particular state, territory,  
21 country, or province were at the date of the license  
22 substantially equivalent to the requirements then in force  
23 in this State or the applicant has established proof of  
24 legal practice as an eyelash extension application teacher  
25 in another jurisdiction for at least 3 years.

26 If the Department, in its discretion and in accordance with

1 rules, deems it necessary, an applicant registered or licensed  
2 under the laws of a foreign country or province may be required  
3 to pass an examination as required by this Act.

4 An applicant who has been licensed to practice eyelash  
5 extension application in another state may receive credit of at  
6 least 300 hours for each year of experience toward the  
7 education required under this Act.

8 (225 ILCS 410/3F-6 new)

9 Sec. 3F-6. Grandfather provision. For a period of 12 months  
10 after the filing of the original administrative rules adopted  
11 under this Act, the Department may issue a license to any  
12 individual who, in addition to meeting the requirements set  
13 forth in items (1) and (2) of Section 3F-2, can provide  
14 documentation of employment as an eyelash extension  
15 application technician and has received remuneration for  
16 practicing eyelash extension application for a period of 3  
17 years.

18 (225 ILCS 410/4-1)

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

1 as cosmetologists, estheticians, nail technicians, hair  
2 braiders, eyelash extension application technicians, or  
3 barbers and as cosmetology, esthetics, nail technology,  
4 hair braiding, eyelash extension application or barber  
5 teachers.

6 (2) To determine the qualifications for licensure as  
7 (i) a cosmetologist, esthetician, nail technician, hair  
8 braider, eyelash extension application technician, or  
9 barber, or (ii) a cosmetology, esthetics, nail technology,  
10 hair braiding, eyelash extension application, or barber  
11 teacher, or (iii) a cosmetology clinic teacher for persons  
12 currently holding similar licenses outside the State of  
13 Illinois or the continental U.S.

14 (3) To prescribe rules for:

15 (i) The method of examination of candidates for  
16 licensure as a cosmetologist, esthetician, nail  
17 technician, hair braider, eyelash extension  
18 application technician, or barber or cosmetology,  
19 esthetics, nail technology, hair braiding, eyelash  
20 extension application, or barber teacher.

21 (ii) Minimum standards as to what constitutes an  
22 approved cosmetology, esthetics, nail technology, hair  
23 braiding, eyelash extension application, or barber  
24 school.

25 (4) To conduct investigations or hearings on  
26 proceedings to determine disciplinary action.

1           (5) To prescribe reasonable rules governing the  
2 sanitary regulation and inspection of cosmetology,  
3 esthetics, nail technology, hair braiding, eyelash  
4 extension application, or barber schools, salons, or  
5 shops.

6           (6) To prescribe reasonable rules for the method of  
7 renewal for each license as a cosmetologist, esthetician,  
8 nail technician, hair braider, eyelash extension  
9 application technician, or barber or cosmetology,  
10 esthetics, nail technology, hair braiding, or barber  
11 teacher, eyelash extension application, or cosmetology  
12 clinic teacher.

13           (7) To prescribe reasonable rules for the method of  
14 registration, the issuance, fees, renewal and discipline  
15 of a certificate of registration for the ownership or  
16 operation of cosmetology, esthetics, hair braiding,  
17 eyelash extension application, and nail technology salons  
18 and barber shops.

19           (8) To adopt rules concerning sanitation requirements,  
20 requirements for education on sanitation, and any other  
21 health concerns associated with threading.

22 (Source: P.A. 97-333, eff. 8-12-11; 98-911, eff. 1-1-15.)

23 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

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

25 Sec. 4-2. The Barber, Cosmetology, Esthetics, Hair

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

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



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

18 For the initial appointment of a member who shall be a hair  
19 braider or hair braiding teacher to the Board, such individual  
20 shall not be required to possess a license at the time of  
21 appointment, but shall have at least 5 years active practice in  
22 the field of hair braiding and shall obtain a license as a hair  
23 braider or a hair braiding teacher within 18 months after  
24 appointment to the Board.

25 For the initial appointment of a member who shall be an  
26 eyelash extension application technician or eyelash extension

1 application teacher to the Board, such individual shall not be  
2 required to possess a license at the time of appointment, but  
3 shall have at least 3 years active practice in the field of  
4 eyelash extension application and shall obtain a license as an  
5 eyelash extension application technician or an eyelash  
6 extension application teacher within 18 months after  
7 appointment to the Board.

8 Seven ~~Six~~ members of the Board shall constitute a quorum. A  
9 majority is required for Board decisions.

10 Whenever the Secretary is satisfied that substantial  
11 justice has not been done in an examination, the Secretary may  
12 order a reexamination by the same or other examiners.

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

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

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

16 Sec. 4-4. Issuance of license. Whenever the provisions of  
17 this Act have been complied with, the Department shall issue a  
18 license as a cosmetologist, esthetician, nail technician, hair  
19 braider, eyelash extension application technician, or barber,  
20 a license as a cosmetology, esthetics, nail technology, hair  
21 braiding, eyelash extension application, or barber teacher, or  
22 a license as a cosmetology clinic teacher as the case may be.

23 (Source: P.A. 98-911, eff. 1-1-15.)

24 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

4 (1) The Department may refuse to issue or renew, and may  
5 suspend, revoke, place on probation, reprimand or take any  
6 other disciplinary or non-disciplinary action as the  
7 Department may deem proper, including civil penalties not to  
8 exceed \$500 for each violation, with regard to any license for  
9 any one, or any combination, of the following causes:

10 a. Conviction of any crime under the laws of the United  
11 States or any state or territory thereof that is (i) a  
12 felony, (ii) a misdemeanor, an essential element of which  
13 is dishonesty, or (iii) a crime which is related to the  
14 practice of the profession.

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

17 c. Material misstatement in furnishing information to  
18 the Department.

19 d. Making any misrepresentation for the purpose of  
20 obtaining a license or violating any provision of this Act  
21 or its rules.

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

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

26 g. Discipline by another state, territory, or country

1 if at least one of the grounds for the discipline is the  
2 same as or substantially equivalent to those set forth in  
3 this Act.

4 h. Practice in the barber, nail technology, esthetics,  
5 hair braiding, eyelash extension application, or  
6 cosmetology profession, or an attempt to practice in those  
7 professions, by fraudulent misrepresentation.

8 i. Gross malpractice or gross incompetency.

9 j. Continued practice by a person knowingly having an  
10 infectious or contagious disease.

11 k. Solicitation of professional services by using  
12 false or misleading advertising.

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

16 m. Directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership or association  
18 any fee, commission, rebate, or other form of compensation  
19 for any professional services not actually or personally  
20 rendered.

21 n. Violating any of the provisions of this Act or rules  
22 adopted pursuant to this Act.

23 o. Willfully making or filing false records or reports  
24 relating to a licensee's practice, including but not  
25 limited to, false records filed with State agencies or  
26 departments.

1           p. Habitual or excessive use addiction to alcohol,  
2           narcotics, stimulants, or any other chemical agent or drug  
3           that results in the inability to practice with reasonable  
4           judgment, skill or safety.

5           q. Engaging in dishonorable, unethical or  
6           unprofessional conduct of a character likely to deceive,  
7           defraud, or harm the public as may be defined by rules of  
8           the Department, or violating the rules of professional  
9           conduct which may be adopted by the Department.

10          r. Permitting any person to use for any unlawful or  
11          fraudulent purpose one's diploma or license or certificate  
12          of registration as a cosmetologist, nail technician,  
13          esthetician, hair braider, eyelash extension application  
14          technician, or barber or cosmetology, nail technology,  
15          esthetics, hair braiding, eyelash extension application,  
16          or barber teacher or salon or shop or cosmetology clinic  
17          teacher.

18          s. Being named as a perpetrator in an indicated report  
19          by the Department of Children and Family Services under the  
20          Abused and Neglected Child Reporting Act and upon proof by  
21          clear and convincing evidence that the licensee has caused  
22          a child to be an abused child or neglected child as defined  
23          in the Abused and Neglected Child Reporting Act.

24          (2) In rendering an order, the Secretary shall take into  
25          consideration the facts and circumstances involving the type of  
26          acts or omissions in paragraph (1) of this Section including,

1 but not limited to:

2 (a) the extent to which public confidence in the  
3 cosmetology, nail technology, esthetics, hair braiding,  
4 eyelash extension application, or barbering profession  
5 was, might have been, or may be, injured;

6 (b) the degree of trust and dependence among the  
7 involved parties;

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

10 (d) the intent or mental state of the licensee at the  
11 time of the acts or omissions.

12 (3) The Department shall reissue the license or  
13 registration upon certification by the Board that the  
14 disciplined licensee or registrant has complied with all of the  
15 terms and conditions set forth in the final order or has been  
16 sufficiently rehabilitated to warrant the public trust.

17 (4) The Department shall refuse to issue or renew or  
18 suspend without hearing the license or certificate of  
19 registration of any person who fails to file a return, or to  
20 pay the tax, penalty or interest shown in a filed return, or to  
21 pay any final assessment of tax, penalty or interest, as  
22 required by any tax Act administered by the Illinois Department  
23 of Revenue, until such time as the requirements of any such tax  
24 Act are satisfied as determined by the Department of Revenue.

25 (5) The Department shall deny without hearing any  
26 application for a license or renewal of a license under this

1 Act by a person who has defaulted on an educational loan  
2 guaranteed by the Illinois Student Assistance Commission;  
3 however, the Department may issue or renew a license if the  
4 person in default has established a satisfactory repayment  
5 record as determined by the Illinois Student Assistance  
6 Commission.

7 (6) All fines imposed under this Section shall be paid  
8 within 60 days after the effective date of the order imposing  
9 the fine or in accordance with the terms set forth in the order  
10 imposing the fine.

11 (Source: P.A. 98-911, eff. 1-1-15.)

12 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

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

14 Sec. 4-9. Practice without a license or after suspension or  
15 revocation thereof.

16 (a) If any person violates the provisions of this Act, the  
17 Secretary may, in the name of the People of the State of  
18 Illinois, through the Attorney General of the State of  
19 Illinois, petition, for an order enjoining such violation or  
20 for an order enforcing compliance with this Act. Upon the  
21 filing of a verified petition in such court, the court may  
22 issue a temporary restraining order, without notice or bond,  
23 and may preliminarily and permanently enjoin such violation,  
24 and if it is established that such person has violated or is  
25 violating the injunction, the Court may punish the offender for

1 contempt of court. Proceedings under this Section shall be in  
2 addition to, and not in lieu of, all other remedies and  
3 penalties provided by this Act.

4 (b) If any person shall practice as a barber,  
5 cosmetologist, nail technician, hair braider, eyelash  
6 extension application technician, or esthetician, or teacher  
7 thereof or cosmetology clinic teacher or hold himself or  
8 herself out as such without being licensed under the provisions  
9 of this Act, any licensee, any interested party, or any person  
10 injured thereby may, in addition to the Secretary, petition for  
11 relief as provided in subsection (a) of this Section.

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

21 (Source: P.A. 98-911, eff. 1-1-15.)

22 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

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

24 Sec. 4-19. Emergency suspension. The Secretary may  
25 temporarily suspend the license of a barber, cosmetologist,



1 nail technician, hair braider, esthetician, eyelash extension  
2 application technician, or teacher thereof or of a cosmetology  
3 clinic teacher without a hearing, simultaneously with the  
4 institution of proceedings for a hearing provided for in  
5 Section 4-10 of this Act, if the Secretary finds that evidence  
6 in his possession indicates that the licensee's continuation in  
7 practice would constitute an imminent danger to the public. In  
8 the event that the Secretary suspends, temporarily, this  
9 license without a hearing, a hearing must be commenced within  
10 30 days after such suspension has occurred.

11 (Source: P.A. 98-911, eff. 1-1-15.)

12 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

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

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

20 (1) The practice of cosmetology, nail technology,  
21 esthetics, hair braiding, eyelash extension application, or  
22 barbering or an attempt to practice cosmetology, nail  
23 technology, esthetics, hair braiding, eyelash extension  
24 application, or barbering without a license as a cosmetologist,  
25 nail technician, esthetician, hair braider, eyelash extension

1 application technician, or barber; or the practice or attempt  
2 to practice as a cosmetology, nail technology, esthetics, hair  
3 braiding, eyelash extension application, or barber teacher  
4 without a license as a cosmetology, nail technology, esthetics,  
5 hair braiding, eyelash extension application, or barber  
6 teacher; or the practice or attempt to practice as a  
7 cosmetology clinic teacher without a proper license.

8 (2) The obtaining of or an attempt to obtain a license or  
9 money or any other thing of value by fraudulent  
10 misrepresentation.

11 (3) Practice in the barber, nail technology, cosmetology,  
12 hair braiding, eyelash extension application, or esthetic  
13 profession, or an attempt to practice in those professions, by  
14 fraudulent misrepresentation.

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

17 (5) The violation of any of the provisions of this Act.  
18 (Source: P.A. 98-911, eff. 1-1-15.)

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

21 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

23 (a) Conviction and disposition shall not entail the loss by  
24 the defendant of any civil rights, except under this Section

1 and Sections 29-6 and 29-10 of The Election Code, as now or  
2 hereafter amended.

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

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

8 (d) On completion of sentence of imprisonment or upon  
9 discharge from probation, conditional discharge or periodic  
10 imprisonment, or at any time thereafter, all license rights and  
11 privileges granted under the authority of this State which have  
12 been revoked or suspended because of conviction of an offense  
13 shall be restored unless the authority having jurisdiction of  
14 such license rights finds after investigation and hearing that  
15 restoration is not in the public interest. This paragraph (d)  
16 shall not apply to the suspension or revocation of a license to  
17 operate a motor vehicle under the Illinois Vehicle Code.

18 (e) Upon a person's discharge from incarceration or parole,  
19 or upon a person's discharge from probation or at any time  
20 thereafter, the committing court may enter an order certifying  
21 that the sentence has been satisfactorily completed when the  
22 court believes it would assist in the rehabilitation of the  
23 person and be consistent with the public welfare. Such order  
24 may be entered upon the motion of the defendant or the State or  
25 upon the court's own motion.

26 (f) Upon entry of the order, the court shall issue to the

1 person in whose favor the order has been entered a certificate  
2 stating that his behavior after conviction has warranted the  
3 issuance of the order.

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

7 (h) No application for any license specified in subsection  
8 (i) of this Section granted under the authority of this State  
9 shall be denied by reason of an eligible offender who has  
10 obtained a certificate of relief from disabilities, as defined  
11 in Article 5.5 of this Chapter, having been previously  
12 convicted of one or more criminal offenses, or by reason of a  
13 finding of lack of "good moral character" when the finding is  
14 based upon the fact that the applicant has previously been  
15 convicted of one or more criminal offenses, unless:

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

19 (2) the issuance of the license would involve an  
20 unreasonable risk to property or to the safety or welfare  
21 of specific individuals or the general public.

22 In making such a determination, the licensing agency shall  
23 consider the following factors:

24 (1) the public policy of this State, as expressed in  
25 Article 5.5 of this Chapter, to encourage the licensure and  
26 employment of persons previously convicted of one or more

1 criminal offenses;

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

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

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

10 (5) the age of the person at the time of occurrence of  
11 the criminal offense or offenses;

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

13 (7) any information produced by the person or produced  
14 on his or her behalf in regard to his or her rehabilitation  
15 and good conduct, including a certificate of relief from  
16 disabilities issued to the applicant, which certificate  
17 shall create a presumption of rehabilitation in regard to  
18 the offense or offenses specified in the certificate; and

19 (8) the legitimate interest of the licensing agency in  
20 protecting property, and the safety and welfare of specific  
21 individuals or the general public.

22 (i) A certificate of relief from disabilities shall be  
23 issued only for a license or certification issued under the  
24 following Acts:

25 (1) the Animal Welfare Act; except that a certificate  
26 of relief from disabilities may not be granted to provide

1 for the issuance or restoration of a license under the  
2 Animal Welfare Act for any person convicted of violating  
3 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
4 Care for Animals Act or Section 26-5 or 48-1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (2) the Illinois Athletic Trainers Practice Act;

7 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
8 ~~and~~ Nail Technology, and Eyelash Extension Application Act  
9 of 1985;

10 (4) the Boiler and Pressure Vessel Repairer Regulation  
11 Act;

12 (5) the Boxing and Full-contact Martial Arts Act;

13 (6) the Illinois Certified Shorthand Reporters Act of  
14 1984;

15 (7) the Illinois Farm Labor Contractor Certification  
16 Act;

17 (8) the Interior Design Title Act;

18 (9) the Illinois Professional Land Surveyor Act of  
19 1989;

20 (10) the Illinois Landscape Architecture Act of 1989;

21 (11) the Marriage and Family Therapy Licensing Act;

22 (12) the Private Employment Agency Act;

23 (13) the Professional Counselor and Clinical  
24 Professional Counselor Licensing and Practice Act;

25 (14) the Real Estate License Act of 2000;

26 (15) the Illinois Roofing Industry Licensing Act;

1           (16) the Professional Engineering Practice Act of  
2           1989;

3           (17) the Water Well and Pump Installation Contractor's  
4           License Act;

5           (18) the Electrologist Licensing Act;

6           (19) the Auction License Act;

7           (20) the Illinois Architecture Practice Act of 1989;

8           (21) the Dietitian Nutritionist Practice Act;

9           (22) the Environmental Health Practitioner Licensing  
10          Act;

11          (23) the Funeral Directors and Embalmers Licensing  
12          Code;

13          (24) the Land Sales Registration Act of 1999;

14          (25) the Professional Geologist Licensing Act;

15          (26) the Illinois Public Accounting Act; and

16          (27) the Structural Engineering Practice Act of 1989.

17          (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
18          97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
19          1-25-13; 98-756, eff. 7-16-14.)

20          Section 99. Effective date. This Act takes effect upon  
21          becoming law."