

HB6313



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6313

Introduced 2/11/2016, by Rep. Jehan A. Gordon-Booth

SYNOPSIS AS INTRODUCED:

225 ILCS 410/4-7

from Ch. 111, par. 1704-7

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Allows the Department of Financial and Professional Regulation to refuse to issue or renew, suspend, revoke, place on probation, reprimand, or take any other disciplinary or non-disciplinary action as the Department may deem proper to any license under the Act for conviction of (i) first degree murder, a Class X or Class 1 felony, or any similar offense or offenses in any jurisdiction (rather than any felony), (ii) a misdemeanor or felony (rather than just a misdemeanor), an essential element of which is dishonesty, or (iii) a crime which is related to the practice of the profession. Effective immediately.

LRB099 18212 SMS 42580 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Section 4-7 as follows:

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

8 (Section scheduled to be repealed on January 1, 2026)

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

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

17 a. Conviction of any crime under the laws of the United
18 States or any state or territory thereof that is (i) first
19 degree murder, a Class X or Class 1 felony, or any other
20 similar offense or offenses in any court of competent
21 jurisdiction in this or any other state, district, or
22 territory of the United States or of a foreign country,
23 (ii) a misdemeanor or a felony, an essential element of

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

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

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

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

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

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

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

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

22 i. Gross malpractice or gross incompetency.

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

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

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

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

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

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

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

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

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

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

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

10 t. Operating a salon or shop without a valid
11 registration.

12 u. Failure to complete required continuing education
13 hours.

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

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

22 (b) the degree of trust and dependence among the
23 involved parties;

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

26 (d) the intent or mental state of the licensee at the

1 time of the acts or omissions.

2 (3) The Department may reissue the license or registration
3 upon certification by the Board that the disciplined licensee
4 or registrant has complied with all of the terms and conditions
5 set forth in the final order or has been sufficiently
6 rehabilitated to warrant the public trust.

7 (4) The Department shall refuse to issue or renew or
8 suspend without hearing the license or certificate of
9 registration of any person who fails to file a return, or to
10 pay the tax, penalty or interest shown in a filed return, or to
11 pay any final assessment of tax, penalty or interest, as
12 required by any tax Act administered by the Illinois Department
13 of Revenue, until such time as the requirements of any such tax
14 Act are satisfied as determined by the Department of Revenue.

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

23 (6) All fines imposed under this Section shall be paid
24 within 60 days after the effective date of the order imposing
25 the fine or in accordance with the terms set forth in the order
26 imposing the fine.

1 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.