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## Acupuncturist

### (225 ILCS 2/100)

(Section scheduled to be repealed on January 1, 2008)

Sec. 100. Advertisement. Any person licensed under this Act **may advertise** the availability of professional services in the public media or on the premises where such professional services are rendered. **Such advertising shall be limited to the following information:**

- (1) publication of the person's name, title, office hours, address and telephone number;
- (2) information pertaining to the person's areas of specialization or limitation of professional practice;
- (3) information on usual and customary fees for routine professional services offered, which information shall include, notification that fees may be adjusted due to complications or unforeseen circumstances;
- (4) announcement of the opening of, change of, absence from, or return to business;
- (5) announcement of additions to or deletions from professional registered staff; and
- (6) the issuance of business or appointment cards.

This Act does not authorize the advertising of professional services that the offerer of such services is not licensed to render. Nor shall the advertiser use statements that contain false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition. (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

## Architect

### (225 ILCS 305/23.5)

(Section scheduled to be repealed on January 1, 2010)

(a-5) Any entity that advertises architecture services in a telecommunications directory **must include its architecture firm registration number or, in the case of a sole proprietor, his or her individual license number.** Nothing in this subsection (a-5) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of architecture services.

## Auctioneer

### (225 ILCS 407/10-1)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-1. Necessity of license; exemptions.

(a) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct an auction, provide an auction service, hold himself or herself out as an auctioneer, **or advertise** his or her services as an auctioneer in the State of Illinois without a license issued by OBRE under this Act, except at:

- (1) an auction conducted solely by or for a not-for-profit organization for charitable purposes;
- (2) an auction conducted by the owner of the property, real or personal;
- (3) an auction for the sale or lease of real property conducted by a licensee under the Real Estate License Act, or its successor Acts, in accordance with the terms of that Act;
- (4) an auction conducted by a business registered as a market agency under the federal Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law;
- (5) an auction conducted by an agent, officer, or employee of a federal agency in the conduct of his or her official duties; and
- (6) an auction conducted by an agent, officer, or employee of the State government or any political subdivision thereof performing his or her official duties.

### Section 1440.230 Advertising; Buyer Premium; Disclosure

#### **a) A licensee under the Act shall clearly disclose on any advertisement:**

- 1) the licensee's name; if a licensee uses an assumed name or d/b/a, the licensee shall register that name with OBRE, pursuant to Section 1440.200 of this Part;
- 2) the licensee's license number, as assigned by OBRE;
- 3) the name of the city, village or town, and state, in which the licensee or the licensee's business is located;
- 4) the licensee's telephone number; and

5) the terms and conditions of the auction, to the best knowledge of the licensee at the time of printing, taping or production of the advertisement.

- b) A licensee under this Act shall clearly announce before the auction the terms and conditions of the auction, and shall disclose any differences in the terms and conditions of the auction from any previous advertisement for the auction.
- c) If a licensee under the Act conducts an auction or provides an auction service in which a buyer premium is charged or collected, the licensee shall:
  - 1) clearly disclose on any advertisement that there is a buyer premium charged and the terms of the buyer premium;
  - 2) clearly post at the auction site that there is a buyer premium charged and the terms of the buyer premium; and
  - 3) clearly announce during the terms and conditions of the auction that there is a buyer premium charged and the terms of the buyer premium.

## **Barber Schools**

### **Section 1175.315 Advertising**

**All school advertising for patrons must conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students".**

## **Boiler and Pressure Vessel Repairer**

**(225 ILCS 203/10)**

(Section scheduled to be repealed on January 1, 2017)

Sec. 10. License; enforcement; failure to pay tax. No person shall act as a boiler and pressure vessel repairer, **or advertise** or use any title implying that the person is engaged in the practice or occupation of boiler and pressure vessel repair, unless licensed by the State Fire Marshal under this Act.

No firm, association, or corporation shall act as an agency licensed under this Act, **or advertise** or use any title implying that it is engaged in the practice of boiler and pressure vessel repair, unless licensed by the State Fire Marshal under this Act. However, an organization that performs welded repairs to its own equipment is not required to have a license if it is authorized by the Board to perform those repairs.

## **Certified Shorthand Reporter**

**(225 ILCS 415/19)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 19. Any person certified under this Act **may advertise** the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, on the condition that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department.

### **Section 1200.90 Standards of Professional Conduct**

In order to establish and maintain a high standard of integrity in the practice of shorthand reporting, the following Standards of Professional Conduct shall be binding on every person holding a certificate of registration as a certified shorthand reporter.

- 1) A licensee shall be truthful and accurate when making public statements or when **advertising** qualifications or services provided.

## **Charity Solicitor**

**(225 ILCS 460/11)**

Sec. 11. (a) No person shall for the purpose of soliciting contributions from persons in this State, use the name of any other person, except that of an officer, director or trustee of the charitable organization by or for which contributions are solicited,

without the written consent of such other persons.

(b) A person shall be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, **advertisement**, brochure or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or his name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored or endorsed the charitable organization or its activities.

**(225 ILCS 460/12)**

Sec. 12. Registration under this Act shall not be deemed to constitute an endorsement by the State of Illinois of the charitable organization, professional fund raiser, or professional solicitor so registered. It shall be unlawful for any charitable organization, professional fundraiser, or professional solicitor to represent, directly or indirectly, for the purpose of solicitation and collection of funds for charitable purposes, in any form or manner whatsoever **by advertising** or otherwise, that it has registered or otherwise complied with the provisions of this Act. The Attorney General may, in his discretion, cancel the registration of any organization, professional fund raiser, or professional solicitor which or who violates the provisions of this Section. The Attorney General shall, by rule, set forth the standards by which he shall make this determination. Such standards shall be stated as precisely and clearly as practicable, to inform fully those persons affected.

***To read the Illinois Press Association advisory on charitable organizations and advertising click here:***

## **Child Care Worker**

**(225 ILCS 10/12)**

Sec. 12. Advertisements.

(a) In this Section, "**advertise**" means communication by any public medium originating or distributed in this State, including, but not limited to, **newspapers**, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) A child care facility or child welfare agency licensed or operating under a permit issued by the Department **may publish advertisements** for the services that the facility is specifically licensed or issued a permit under this Act to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group who advertises or causes to be **published any advertisement** offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months imprisonment for **each advertisement**, unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is (i) licensed or operating under a permit issued by the Department as a child care facility or child welfare agency, (ii) a biological parent or a prospective adoptive parent acting on his or her own behalf, or (iii) a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.

(c) **Every advertisement published after the effective date of this amendatory Act of the 94th General Assembly shall include the Department-issued license number of the facility or agency.**

(d) Any licensed child welfare agency providing adoption services that, after the effective date of this amendatory Act of the 94th General Assembly, causes to be published an **advertisement** containing reckless or intentional misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each **advertisement**.

(e) An out-of-state agency that is not licensed in Illinois and that has a written interagency agreement with one or more Illinois licensed child welfare agencies **may advertise** under this Section, provided that (i) the out-of-state agency must be officially recognized by the United States Internal Revenue Service as a tax-exempt organization under 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law), (ii) the out-of-state agency provides only international adoption services and is covered by the Intercountry Adoption Act of 2000, (iii) the out-of-state agency displays, in the **advertisement**, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement, and (iv) the **advertisements** pertain only to international adoption services. Subsection (d) of this Section shall apply to any out-of-state agencies described in this subsection (e).

(f) An **advertiser, publisher**, or broadcaster, including, but not limited to, **newspapers**, periodicals, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services, as defined in Section 2.24 of this Act, on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not

authorized to advertise under subsection (b) or subsection (e) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each **advertisement**.

(g) The Department shall maintain a website listing child welfare agencies licensed by the Department that provide adoption services and other general information for biological parents and adoptive parents. The website shall include, but not be limited to, agency addresses, phone numbers, e-mail addresses, website addresses, annual reports as referenced in Section 7.6 of this Act, agency license numbers, the Birth Parent Bill of Rights, the Adoptive Parents Bill of Rights, and the Department's complaint registry established under Section 9.1a of this Act. The Department shall adopt any rules necessary to implement this Section.

***[To read the Illinois Press Association advisory on child care advertising click here:](#)***

## **Clinical Psychologist**

(225 ILCS 15/26.5)

(Section scheduled to be repealed on January 1, 2017)

Sec. 26.5. **Advertising services.** A licensee shall include in **every advertisement** for services regulated under this Act **his or her title** as it appears on the license or the initials authorized under this Act.

## **Collection Agent/Agency**

(225 ILCS 425/9)

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

Sec.9. (a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$5,000 for a first violation and not to exceed \$10,000 for a second or subsequent violation, for any one or any combination of the following causes:

- C) The threat of **advertisement or advertisement** for sale of any debt to coerce payment of the debt.

### **Section 1210.60 Communication by Agency**

- a) A collection agency shall use only the agency name or tradestyle exactly as it appears on the agency's certificate of registration (the certificate) issued by the Department **in all communications**, (e.g., ABC Collection Agency cannot use a name such as ABC Acceptance Company) except for skiptracing and envelopes as prohibited by 15 U.S.C. 1692b.(5).

***[To read the Illinois Press Association advisory on banking and credit service advertising click here:](#)***

## **Cosmetology Schools**

### **Section 1175.515 Advertising**

All school **advertising** for patrons must contain the words "Work Done Exclusively by Students" or "All Work Done by Students" displayed in a conspicuous manner.

## **Dentists/Dental Hygienists**

(225 ILCS 25/45)

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

Sec. 45. Advertising. The purpose of this Section is to authorize and regulate the **advertisement** by dentists of information which is intended to provide the public with a sufficient basis upon which to make an informed selection of dentists while protecting the public from **false or misleading advertisements** which would detract from the fair and rational selection process.

Any dentist **may advertise** the availability of dental services in the public media or on the premises where such dental

services are rendered. Such **advertising shall be limited to the following information:**

- (a) The dental services available;
- (b) Publication of the dentist's name, title, office hours, address and telephone;
- (c) Information pertaining to his or her area of specialization, including appropriate board certification or limitation of professional practice;
- (d) Information on usual and customary fees for routine dental services offered, which information shall include notification that fees may be adjusted due to complications or unforeseen circumstances;
- (e) Announcement of the opening of, change of, absence from, or return to business;
- (f) Announcement of additions to or deletions from professional dental staff;
- (g) The issuance of business or appointment cards;
- (h) Other information about the dentist, dentist's practice or the types of dental services which the dentist offers to perform which a reasonable person might regard as relevant in determining whether to seek the dentist's services. However, any **advertisement** which announces the availability of endodontics, pediatric dentistry, periodontics, prosthodontics, orthodontics and dentofacial orthopedics, oral and maxillofacial surgery, or oral and maxillofacial radiology by a general dentist or by a licensed specialist who is not licensed in that specialty shall **include a disclaimer** stating that the dentist does not hold a license in that specialty.

**It is unlawful for any dentist licensed under this Act:**

- (1) To use testimonials or claims of superior quality of care to entice the public;
- (2) To **advertise** in any way to practice dentistry without causing pain;
- (3) To pay a fee to any dental referral service or other third party who **advertises** a dental referral service, unless all **advertising** of the dental referral service makes it clear that dentists are paying a fee for that referral service; or
- (4) To **advertise** or offer gifts as an inducement to secure dental patronage. Dentists may **advertise** or offer free examinations or free dental services; it shall be unlawful, however, for any dentist to charge a fee to any new patient for any dental service provided at the time that such free examination or free dental services are provided.

This Act does not authorize the **advertising** of dental services when the offeror of such services is not a dentist. Nor shall the dentist use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity or fears of the public, or statements which promote or produce unfair competition.

A dentist shall be required to keep a copy of all **advertisements** for a period of 3 years. All **advertisements** in the dentist's possession shall indicate the accurate date and place of **publication**.

The Department shall adopt rules to carry out the intent of this Section.

**Section 1220.421 Advertising**

- a) Persons licensed to practice dentistry in the State of Illinois may **advertise** in any medium or other form of public communication in a manner which is truthful, and which is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such **advertising** shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive.
- b) Information which may be contained in such **advertising** includes:
  - 1) Dentist's name, address, office hours, and telephone number;
  - 2) Schools attended;
  - 3) Announcement of the opening of, change of, or return to practice;
  - 4) *Announcement of additions to or deletions from professional dental staff;*  
(Section 45 of the Act)
  - 5) Dentist's hospital affiliation(s);
  - 6) Any specialty licenses held, Board certification, professional society memberships and any limitations or concentrations of practice;
  - 7) Credit arrangements and/or acceptance of Medicare/Medicaid patients;
  - 8) Foreign language ability;
  - 9) Usual and customary fees for routine professional services which must include a statement that fees may be adjusted due to complications or unforeseen circumstances unless the fees do not vary under any circumstances;
  - 10) Description of offices in which dentist practices, e.g., accessibility to the handicapped, laboratory facilities on the premises, convenience of parking; and

11) Other information about the dentist, the dentist's practice, or the types of practice in which the dentist will accept employment, which a reasonable person might regard as relevant in determining whether to seek the dentist's services. (Section 45 of the Act)

c) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the dentist, and a recording of the actual transmission, including videotape, shall be retained by the dentist for a period of at least three (3) years. Upon a written request from the Department, a dentist shall provide the Department with a copy of any such **advertisement** within seven working days of receipt of the request (e.g., upon initiation of any investigation, receipt of a complaint, inquiry from the public, etc.).

d) Information which may be untruthful, fraudulent, deceptive, inherently misleading, or which has proven to be misleading in practice includes that which:

- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
- 3) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
- 4) Contains testimonials and/or exaggerations pertaining to the quality of dental care;
- 5) Describes as available products or services which are not permitted by the laws of this State and/or applicable Federal laws; and
- 6) Advertises professional services which the dentist is not licensed to render.

e) A dentist may incorporate as a professional service corporation under a fictitious or an assumed name; however, all **advertisements** for dental services to be performed by members or employees of the corporation must comply with the following conditions:

- 1) A dentist licensed and practicing in Illinois shall be designated at each practice location for the corporation who shall assume responsibility for all **advertising** in Illinois.
- 2) The name, office address and office phone number of the designated dentist(s) shall appear in all **advertising** for the corporation.
- 3) The name(s) of the owner(s) of the corporation, if other than the designated dentist(s), shall appear in all **advertising** for the corporation.
- 4) A list of all dentists employed by the corporation who perform dental services shall be prominently displayed at the location where they practice.
- 5) If the corporation offers to practice both general dentistry and any licensed specialty, all **advertising** for the specialty shall include the name of the licensed dental specialist(s) who performs the specialty services.

f) When words relating to specialty practice are used in an **advertisement**, the **advertisement** must not imply that the dentist offering those services is licensed as a specialist unless he holds a specialty license issued by the Department. Words that cannot be used by a dentist unless licensed in that specialty are Endodontist, Pedodontist, Pediatric Dentist, Periodontist, Prosthodontist, Orthodontist, Oral and Maxillofacial Surgeon or Oral Surgeon. Terms as "Specialist", "Practice Limited To" or "Limited To Specialty Of", with the name of such branch of dentistry practiced as a specialty, (Endodontics, Pedodontics (Pediatric Dentist), Periodontics, Prosthodontics, Orthodontics, and Oral and Maxillofacial Surgery) shall be prima facie evidence that such dentist is holding himself out to the public as a specialist. A general dentist who **advertises**, in any media, using words or phrases customarily used by a specialist, except those prohibited above, but who does not hold a specialty license, shall include in such **advertisement** a prominent disclaimer that he is licensed only as a general dentist.

g) Any **advertisements** offering the availability of those recognized dental specialties specified in Section 1220.320 of this Part, or offering the availability of some other "specialty" practice not specifically recognized by the Department shall contain a prominent disclaimer in the form of a statement setting forth the specialty(ies) in which the dentist is licensed in Illinois and/or a statement that the dentist is licensed to practice as a general dentist in Illinois.

h) **Advertising** shall not use language suggesting a dental specialty which is not specified in Section 1220.320 of this Part unless it contains the disclaimer required in subsection (g), above. Examples of language requiring disclaimer: family dentistry, cosmetic dentistry, restorative dentistry, preventive dentistry, hospital dentistry, implant dentistry, TMJ, cranio mandibular dentistry.

[To read the Illinois Press Association advisory on medical product advertising click here:](#)

## Detector of Deception

### Section 1230.80 Impermissible Advertising

- a) An examiner shall not **advertise** in any manner with a view of deceiving the public, or in any way that will tend to deceive or defraud the public.
- b) An examiner **shall not publish**, directly or indirectly, or circulate any fraudulent, false or misleading statements as to the skill or method of practice of any person or examiner.
- c) An examiner shall not claim superiority over other detection of deception examiners as to his or her skill or method of practice.
- d) An examiner shall not identify any subject by any means in any **advertisements**.
- e) An examiner shall not give public demonstrations of detection of deception for the purpose of securing patronage.
- f) An examiner shall not **advertise** free examinations as an inducement to secure patronage.
- g) An examiner shall not employ "cappers" or "steerers" to obtain patronage.
- h) An examiner shall not divide fees or agree to split or divide the fees received for detection of deception services with any person for bringing or referring a client.

## Dietician/Nutritionist

### (225 ILCS 30/70)

A person licensed under this Act whose license is on inactive status or in a non-renewed status shall not engage in the practice of dietetics or nutrition services in the State of Illinois or use the title or **advertise** that he or she performs the services of a licensed dietitian nutritionist.

### (225 ILCS 30/80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Use of title; **advertising**. Only a person who is issued a license as a dietitian nutritionist under this Act may use the words "dietitian nutritionist", "dietitian", "nutritionist", or "nutrition counselor" or the letters "L.D.N." in connection with his or her name.

A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician" or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.

Any person who meets the additional criteria for certification by the Clinical Nutrition Certification Board of the International and American Associations of Clinical Nutritionists may assume or use the title or designation "Certified Clinical Nutritionist" or use the letters "C.C.N." or any words, letters, abbreviations, or insignia indicating that the person is a certified clinical nutritionist.

Any person who meets the additional criteria for certification by the Certification Board of Nutrition Specialists may assume or use the title or designation "Certified Nutrition Specialist", or use the letters "C.N.S." or any words, letters, abbreviations, or insignia indicating that the person is a certified nutrition specialist.

A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

### Section 1245.330 Unprofessional Conduct



b) A dietitian nutritionist shall not **advertise** in any way that is fraudulent false, deceptive or misleading. Any **advertising** shall be considered fraudulent false, deceptive or misleading if it:

- 1) Contains a misrepresentation of facts;
- 2) Makes only a partial disclosure of relevant facts;
- 3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;
- 4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;
- 5) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietitian nutritionist;
- 6) Makes false, unproven or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test;
- 7) Fails to conspicuously identify the licensee by name in the **advertisement**.

***To read the Illinois Press Association advisory on medical product advertising click here:***

## **Doctor/Physician**

### **(225 ILCS 60/26)**

(Section scheduled to be repealed on January 1, 2007)

Sec. 26. Advertising.

(1) Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered. Such **advertising** shall be limited to the following information:

- (a) **Publication** of the person's name, title, office hours, address and telephone number;
- (b) Information pertaining to the person's areas of specialization, including appropriate board certification or limitation of professional practice;
- (c) Information on usual and customary fees for routine professional services offered, which information shall include, notification that fees may be adjusted due to complications or unforeseen circumstances;
- (d) Announcement of the opening of, change of, absence from, or return to business;
- (e) Announcement of additions to or deletions from professional licensed staff;
- (f) The issuance of business or appointment cards.

(2) It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public. It shall be unlawful to **advertise** fee comparisons of available services with those of other persons licensed under this Act.

(3) This Act does not authorize the **advertising** of professional services which the offeror of such services is not licensed to render. Nor shall the **advertiser** use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity or fears of the public, or statements which promote or produce unfair competition.

(4) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

## Section 1285.245 Advertising

- a) **Advertising** shall contain all information necessary to make the communication informative and not misleading. **Advertising** shall identify the type of license held by the licensee whose services are being promoted. The form of **advertising** shall be designed to communicate the information contained in the **advertisement** to the public in a direct, dignified and readily comprehensible manner.
- b) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the physician, and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the physician.
- c) **Advertising** shall otherwise comply with Section 26 of the Act.

*[To read the Illinois Press Association advisory on medical product advertising click here:](#)*

## **Environmental Health Practitioner**

(225 ILCS 37/27)

(Section scheduled to be repealed on January 1, 2007)

Sec. 27. Renewals; restoration.

(f) An environmental health practitioner whose license is not renewed or whose license is on inactive status shall not engage in the practice of environmental health in the State of Illinois or use the title or **advertise** that he or she performs the services of a "licensed environmental health practitioner"

*[To read the Illinois Press Association advisory on medical product advertising click here:](#)*

## **Esthetician Schools**

### Section 1175.820 Advertising

All school **advertising** for patrons shall conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students".

*[To read the Illinois Press Association advisory on medical product advertising click here:](#)*

## **Fire Equipment Distributor**

(225 ILCS 216/10)

(Section scheduled to be repealed on January 1, 2011)

Sec. 10. License requirement; injunction. No person shall act as a fire equipment distributor or employee, or **advertise** or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the State Fire Marshal.

No firm, association, or corporation shall act as an agency licensed under this Act, or **advertise** or assume to act as such, or use any title implying that the firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

## **Fire Sprinkler Contractor**

**(225 ILCS 317/12)**

Sec.12. License; enforcement; failure to pay tax. No person shall act as a fire sprinkler contractor, or **advertise** or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the State Fire Marshal.

No firm, association, or corporation shall act as an agency licensed under this Act, or **advertise** or assume to act as such, or use any title implying that the firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

**(225 ILCS 317/15)**

Sec.15. Licensing requirements.

(a) It shall be unlawful for any person or business to engage in, **advertise**, or hold itself out to be in the business of installing or repairing fire sprinkler systems in this State after 6 months after the effective date of this Act, unless such person or business is licensed by the State Fire Marshal. This license must be renewed every year.

## **Funeral Director/Embalmer**

**(225 ILCS 41/15-50)**

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-50. Practice by corporation, partnership, or association. No corporation, partnership or association of individuals, as such, shall be issued a license as a licensed funeral director and embalmer or licensed funeral director, nor shall any corporation, partnership, firm or association of individuals, or any individual connected therewith, publicly **advertise** any corporation, partnership or association of individuals as being licensed funeral directors and embalmers or licensed funeral directors. Nevertheless, nothing in this Act shall restrict licensees from forming professional service corporations under the Professional Service Corporation Act or from having these corporations registered for the practice of funeral directing.

No licensee, and no partnership or association of licensees, formed since July 1, 1935, shall engage in the practice of funeral directing and embalming or funeral directing under a trade name or partnership or firm name unless in the use and **advertising** of the trade name, partnership or firm name there is **published** in connection with the **advertising** the name of the owner or owners as the owner or owners.

**(225 ILCS 41/15-75)**

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-75. Violations;grounds for discipline; penalties.

(a) Each of the following acts is a Class A misdemeanor for the first offense, and a Class 4 felony for each subsequent offense. These penalties shall also apply to unlicensed owners of funeral homes.

(6) False or misleading **advertising** as a funeral director and embalmer or funeral director, or **advertising** or using the name of a person other than the holder of a license in connection with any service being rendered in the practice of funeral directing and embalming or funeral directing. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral business who is not a licensee in any **advertisement** used by a funeral home with which the individual is affiliated if the **advertisement** specifies the individual's affiliation with the funeral home.

(21) **Advertising** in a false or misleading manner or **advertising** using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an **advertisement** so as to imply that the person will perform services is considered misleading **advertising**. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any **advertisement** used by a funeral home with which the individual is affiliated, if the **advertisement** specifies the individual's affiliation with the funeral home.

### **Section 1250.205 Advertising**

a) Persons licensed to practice funeral directing and embalming in the State of

Illinois may **advertise** in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such **advertising** shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of such communication shall be designed to communicate the information contained therein to the public in a direct, dignified and readily comprehensive manner.

b) Information that may be contained in such **advertising** includes:

- 1) Licensee's name, address, business hours and telephone number;
- 2) Schools attended;
- 3) Announcement of the opening of, change of, or return to practice;
- 4) Announcement of additions to or deletions from professional staff;
- 5) Availability of pre-need arrangements;
- 6) Professional society memberships;
- 7) Credit arrangements;
- 8) Foreign language ability;
- 9) Fees for professional services and merchandise which must include a statement that fees may be adjusted due to unforeseen circumstances;
- 10) Description of the establishment in which the licensee practices, e.g., accessibility to the handicapped, chapel facilities on the premises, convenience of parking; and
- 11) Other information about the licensee, the licensee's practice, or the types of practice in which the licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's services.

c) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee, and a recording of the actual transmission, including videotape, shall be retained by the licensee for a period of at least 5 years.

d) Information that may be untruthful, fraudulent, deceptive, inherently misleading, or has proven to be misleading in practice, includes that which:

- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 2) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;
- 3) Contains testimonials and/or exaggerations pertaining to the quality of funeral services;
- 4) Describes as available products or services that are not permitted by the laws of this State and/or applicable Federal laws; and
- 5) **Advertises** professional services that the licensee is not licensed to render.

e) The solicitation of funeral services at the residence of a client or prospective client, or any health care institution in which the client or prospective client is confined, which is uninvited and which has not been previously agreed to by the client or prospective client, is prohibited. A licensee, or his or her representative, may initiate contact with a client, or prospective client, in the following manner:

- 1) Through general **advertising**;
- 2) By direct mail;
- 3) By telephone; or
- 4) As an invitee of a charitable, social, civic, religious, fraternal or employee or trade organization.

f) A licensee or his or her representative shall not initiate contact with a client or prospective client if:

- 1) The licensee, or his or her representative, reasonably should know that

the physical, emotional or mental state of the person solicited is such that the person could not exercise reasonable judgment;

- 2) The person solicited has made known a desire not to receive the communication; or
- 3) The solicitation involves coercion, duress or harassment.

### **Hazardous Waste Crane Operator**

#### **(225 ILCS 220/14)**

Sec.14. Operating or assisting in the operation of a crane or hoist involving the disposal, cleanup or handling of hazardous waste at a facility in this State or an offer to so practice, or to use, **advertise** or otherwise represent to the public any title or description implying that one is a crane or hoisting equipment operator or apprentice licensed to dispose, clean up or handle hazardous waste at a facility by any person not at that time holding a valid and current license under this Act is declared to be inimical to the public welfare and to constitute a public nuisance. The Attorney General for the State of Illinois, the Director of the Environmental Protection Agency, the State's Attorney for any county in the State, or any resident citizen may maintain an action in the name of the people of the State of Illinois to perpetually enjoin any person from so unlawfully operating as a crane or hoisting equipment operator or apprentice and from the doing, committing or continuing of any such unlawful act. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. This proceeding is in addition to and not in lieu of criminal prosecution.

### **Hazardous Waste Laborer**

#### **(225 ILCS 221/13)**

Sec.13. Performing the duties of a laborer involving the disposal, cleanup or handling of hazardous waste at a facility in this State or an offer to so practice, or to use, **advertise** or otherwise represent to the public any title or description implying that one is a laborer licensed to dispose, clean up or handle hazardous waste at a facility, by any person not at that time holding a valid and current license under this Act, is declared to be inimical to the public welfare and to constitute a public nuisance. The Attorney General for the State of Illinois, the Director of the Environmental Protection Agency, the State's Attorney for any county in the State, or any resident citizen may maintain an action in the name of the people of the State of Illinois to perpetually enjoin any person from so unlawfully operating as a laborer and from the doing, committing or continuing of any such unlawful act. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. This proceeding is in addition to and not in lieu of criminal prosecution.

### **Hearing Instrument Dealers**

#### **(225 ILCS 50/5)**

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

Sec.5. License required. No person shall engage in the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing instruments or display a sign, **advertise**, or represent oneself as a person who practices the fitting or selling of hearing instruments unless such person holds a current license issued by the Department as provided in this Act. Such person shall be known as a licensed hearing instrument dispenser. Individuals licensed pursuant to the provisions of Section 8 of this Act shall be deemed qualified to provide tests of human hearing and hearing instrument evaluations for the purpose of dispensing a hearing instrument for which any State agency may contract. The license shall be conspicuously displayed in the place of business. Duplicate licenses shall be issued by the Department to licensees operating more than one office upon the additional payment set forth in this Act.

#### **(225 ILCS 50/18)**

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

(r) Solicitation of services or products by **advertising** that is false or

misleading. An **advertisement** is false or misleading if it:

- (1) contains an intentional misrepresentation of fact;
- (2) contains a false statement as to the licensee's professional achievements, education, skills, or qualifications in the hearing instrument dispensing profession;
- (3) makes a partial disclosure of a relevant fact, including:
  - (i) the **advertisement** of a discounted price of an item without identifying in the advertisement or at the location of the item either the specific product being offered at the discounted price or the usual price of the item; and
  - (ii) the **advertisement** of the price of a specifically identified hearing instrument if more than one hearing instrument appears in the same **advertisement** without an accompanying price;
- (4) contains a representation that a product innovation is new when, in fact, the product was first offered by the manufacturer to the general public in this State not less than 12 months before the date of the advertisement;
- (5) contains any other representation, statement, or claim that is inherently misleading or deceptive; or
- (6) contains information that the licensee manufactures hearing instruments at the licensee's office location unless the following statement includes a statement disclosing that the instruments are manufactured by a specified manufacturer and assembled by the licensee.

(v) Advertising a manufacturer's product or using a manufacturer's name or trademark implying a relationship which does not exist.

**[To read the Illinois Press Association advisory on medical product advertising click here:](#)**

## **Home Inspector**

### **(225 ILCS 441/5-5)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-5. Necessity of license; use of title; exemptions.

(a) Beginning January 1, 2003, it is unlawful for any person, including any entity, to act or assume to act as a home inspector, to engage in the business of home inspection, to develop a home inspection report, to practice as a home inspector, or to **advertise** or hold himself, herself, or itself out to be a home inspector without a home inspector license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor.

### **(225 ILCS 441/15-10)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-10. Grounds for disciplinary action.

(a) The Office of Banks and Real Estate may suspend, revoke, or refuse to issue or renew a license, and may reprimand, place on probation or administrative supervision, or otherwise discipline a licensee, including imposing conditions limiting the scope, nature, or extent of the home inspection practice of a licensee and may impose a civil penalty not to exceed \$10,000 upon a licensee, for one or any combination of the following:

- (15) Engaging in misleading or untruthful **advertising** or using a trade name or insignia of membership in a home inspection organization of which the licensee is not a member.

## **Home Medical Equipment and Services Provider**

**(225 ILCS 51/45)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 45. Display of license; advertising; penalties.

- (a) An entity that **advertises** home medical equipment and services shall, at its place of business, display the license of the entity.
- (b) No entity that provides home medical equipment services may **advertise** the equipment and services unless that entity includes in the **advertisement** the statement "Licensed in the State of Illinois".

***To read the Illinois Press Association advisory on medical product advertising click here:***

## **Interior Designer**

**(225 ILCS 310/28)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 28. Advertising. Any person registered under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, provided that such **advertising** is truthful and not misleading. The Department may promulgate rules consistent with this Section.

## **Landscape Architect**

**(225 ILCS 315/17)**

(Section scheduled to be repealed on January 1, 2010)

Sec. 17. Advertising. Any person registered under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered provided that such **advertising** is truthful and not misleading.

## **Locksmith**

**(225 ILCS 447/10-5)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, or locksmith or to **advertise** or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to **advertise**, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless licensed by the Department.

**(225 ILCS 447/35-15)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-15. Advertisements; penalties.

(a) No licensee providing services regulated by this Act may knowingly **advertise** those services without including his or her license number in the **advertisement**. The **publisher** of the **advertising**, however, is not required to verify the accuracy of the **advertisement** or the license number.

(b) A licensee who **advertises** services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business, (ii) fails to provide the **publisher** with the current license number, or (iii) provides the **publisher** with a false license number or a license number other than that of the person or agency doing the **advertising** or a licensee who knowingly allows his or her license number to be displayed or used by another person or agency to circumvent any provision of this subsection, is guilty of a Class A misdemeanor. Each day an advertisement is published or a licensee allows his or her license to be used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary action, fines, and civil penalty provisions of this Act.

## **Marriage and Family Therapist**

### **(225 ILCS 55/45)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 45. Licenses; renewals; restoration; person in military service.

(f) Any marriage and family therapist or associate marriage and family therapist whose license is nonrenewed or on inactive status shall not engage in the practice of marriage and family therapy in the State of Illinois and use the title or **advertise** that he or she performs the services of a "licensed marriage and family therapist" or an "associate marriage and family therapist".

## **Massage Therapist**

### **(225 ILCS 57/30)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 30. Title protection.

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

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

### **(225 ILCS 57/50)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 50. Advertising. It is a misdemeanor for any person, organization, or corporation to **advertise** massage services unless the person providing the service holds a valid license under this Act, except for those excluded licensed professionals who are allowed to include massage in their scope of practice. A massage therapist may not **advertise** unless he or she has a current license issued by this State. "**Advertise**" as used in this Section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the words "massage", "massage therapist", "therapeutic massage", or "massage therapeutic"; or commercials broadcast by any means.

## **Nail Technician Schools**

### **Section 1175.1120 Advertising**

All school **advertising** for patrons must contain the words "Work Done Exclusively by Students" or "All Work Done by Students" displayed in a conspicuous manner.

## **Naprapath**



**(225 ILCS 63/100)**

(Section scheduled to be repealed on January 1, 2013)  
Sec. 100. Advertising.

(a) Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where professional services are rendered if the **advertising** is truthful and not misleading and is in conformity with any rules promulgated by the Department.

(b) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

**Section 1295.80 Unprofessional Conduct**

- j) **Advertising** or soliciting for patronage in a manner that is fraudulent or misleading. Examples of **advertising** or soliciting that are considered fraudulent or misleading shall include, but not be limited to: **advertising** that contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements that play upon vanities or fears of the public or statements that promote or produce unfair competition.

**Nurse**

**(225 ILCS 65/10-5)**

(Section scheduled to be repealed on January 1, 2008)  
Sec. 10-5. Prohibited acts. No person shall:

(f-5) **Advertise** services regulated under this Act without including in every **advertisement** his or her title as it appears on the license or the initials authorized under this Act;

**(225 ILCS 65/15-40)**

(Section scheduled to be repealed on January 1, 2008)  
Sec. 15-40. Advertising.

(a) A person licensed under this Title may **advertise** the availability of professional services in the public media or on the premises where the professional services are rendered. The **advertising** shall be limited to the following information:

- (1) publication of the person's name, title, office hours, address, and telephone number;
- (2) information pertaining to the person's areas of specialization, including but not limited to appropriate board certification or limitation of professional practice;
- (3) publication of the person's collaborating physician's name, title, and areas of specialization;
- (4) information on usual and customary fees for routine professional services offered, which shall include notification that fees may be adjusted due to complications or unforeseen circumstances;
- (5) announcements of the opening of, change of, absence from, or return to business;
- (6) announcement of additions to or deletions from professional licensed staff; and
- (7) the issuance of business or appointment cards.

(b) It is unlawful for a person licensed under this Title to use testimonials or claims of superior quality of care to entice the public. It shall be unlawful to **advertise** fee comparisons of available services with those of other licensed persons.

(c) This Title does not authorize the **advertising** of professional services that the offeror of the services is not licensed or authorized to render. Nor shall the **advertiser** use statements that contain false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(d) It is unlawful and punishable under the penalty provisions of this Act for a person licensed under this Title to knowingly **advertise** that the licensee will accept as payment for services rendered by assignment from any third party payor the amount the third party payor covers as payment in full, if the effect is to give the impression of eliminating the need

of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan.

(d-5) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(e) As used in this Section, "**advertise**" means solicitation by the licensee or through another person or entity by means of handbills, posters, circulars, motion pictures, radio, newspapers, or television or any other manner.

**Section 1305.70 Advertising** (Note: This section (1305.70) applies to Advance Practice Nurses (APN) only.)

- a) **Advertising** shall contain all information necessary to make the communication informative and not misleading. **Advertising** shall identify the type of license held by the licensee whose services are being promoted. The form of **advertising** shall be designed to communicate information to the public in a direct, dignified and readily comprehensible manner.
- b) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the advanced practice nurse and a recording of the actual transmission, including videotape, shall be retained, for at least 3 years, by the advanced practice nurse.
- c) **Advertising** shall otherwise comply with Section 15-40 of the Act.

## **Nurse Agency**

(225 ILCS 510/4)

Sec. 4.Licensing. The Department shall license nurse agencies in accordance with this Act for the protection of the health, welfare and safety of patients and residents. No person may establish, operate, maintain, or **advertise** as a nurse agency in the State of Illinois unless the person is licensed under this Act by the Department of Labor. Being licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act does not relieve home health agencies that provide nurse agency services from the requirement of obtaining licensure under this Act. No health care facility shall use the services of an unlicensed nurse agency.

## **Occupational Therapist**

(225 ILCS 75/18)

(Section scheduled to be repealed on January 1, 2014)

Sec. 18.Advertising.

(a) Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, on the condition that such **advertising** is truthful and not misleading and is in conformity with rules promulgated by the Department.

(b) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

**Section 1315.170 Advertising**

- a) Persons licensed to practice occupational therapy in the State of Illinois may **advertise** in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. **Advertising** shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of communication shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.
- b) Information that may be contained in **advertising** shall include:
  - 1) Licensee's name, address, office hours and telephone number;
  - 2) Schools attended;

- 3) Announcement of the opening of, change of, or return to practice;
  - 4) Announcement of additions to or deletions from professional staff;
  - 5) Licensee's hospital affiliation(s);
  - 6) Areas of specialization, including Board certification, professional society memberships and any limitations or concentration of practice;
  - 7) Credit arrangements and/or acceptance of Medicare/Medicaid patients and credit cards;
  - 8) Foreign language ability;
  - 9) Usual and customary fees for routine professional services which must include a statement that fees may be adjusted due to complications or unforeseen circumstances;
  - 10) Description of offices in which licensee practices (e.g., accessibility to the disabled, laboratory facilities on the premises, convenience of parking); and
  - 11) Other information about the licensee, the licensee's practice, or the types of practice in which the licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's service.
- c) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee, and a recording of the actual transmission, including videotape, shall be retained by the licensee for a period of 3 years.
- d) Information which may be untruthful, fraudulent, deceptive, inherently misleading, or which has proven to be misleading in practice includes that which:
- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
  - 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
  - 3) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;
  - 4) Contains testimonials and/or exaggerations pertaining to the quality of occupational therapy care;
- 5) Describes as available products or services which are not permitted by the laws of this State and/or applicable Federal laws; and
- 6) Advertises professional services that the licensee is not licensed to render.

## **Optometrist**

### **(225 ILCS 80/22)**

(Section scheduled to be repealed on January 1, 2017)

Sec. 22. Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered provided that such **advertising** is truthful and not misleading and is in conformity with rules promulgated by the Department.

It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public.

### **Section 1320.110 Advertising**

- a) The name of the licensed optometrist shall be conspicuously displayed at the entrance of each office or store where eyecare and eyewear services are offered. In an establishment where other services or goods are offered in addition to eyecare and eyewear, the name of the optometrist shall be conspicuously displayed at the entrance of the eyecare and eyewear section.

- b) All **advertising** of optometric services, including, but not limited to, the advertising of optometric examinations in connection with the **advertising** of optical goods, shall contain the statement that all optometric services are performed by a licensed optometrist.
- c) Only licensed optometrists are permitted to **advertise** or imply that they are authorized to measure the power of vision.
- d) Only licensed optometrists therapeutically certified are permitted to **advertise** or imply provision of eye disease treatment or emergency ocular services.
- e) Nothing in this Section shall prohibit any person licensed in this State under any other Act from **advertising** services for which he/she is licensed to provide.

### **Orthotic, Prosthetic, and Pedorthic Dealers**

#### **Section 1325.65 Dishonorable, Unethical or Unprofessional Conduct**

- 12) **Advertising** or soliciting for patronage in a manner that is fraudulent or misleading. Examples of **advertising** or soliciting that are considered fraudulent or misleading shall include, but not be limited to:
  - A) **Advertising** by means of testimonials, anecdotal reports of orthotic, prosthetic, or pedorthic practice successes or claims of superior quality of care to entice the public; or
  - B) **Advertising** that contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements that play upon vanities or fears of the public or statements that promote or produce unfair competition.

### **Pest Controller**

#### **(225 ILCS 235/4)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 4. Licensing requirements).

(a) It shall be unlawful for any person to engage in a commercial structural pest control business at any location in this State after October 21, 1977, unless such person is licensed by the Department. A person shall have a separate license for each commercial structural pest control business location. It shall also be unlawful for any person to engage in a commercial pest control business in Illinois from any location outside this State unless such person is licensed by this Department. The licensee may use its state identification number in all forms of **advertising**.

#### **(225 ILCS 235/13)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 13. Violations of the Act. It is a violation of this Act and the Department may suspend, revoke or refuse to issue or renew any certificate, registration or license, in accordance with Section 14 of this Act, upon proof of any of the following:

- (f) Fraudulent **advertising** or solicitations relating to structural pest control.

### **Petroleum Equipment Contractor**

**(225 ILCS 729/10)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 10. Licensure requirement; injunction. Beginning 6 months after the effective date of this Act, no person, firm, association, or corporation shall act as a petroleum equipment contractor or employee, **advertise** or assume to act as a petroleum equipment contractor or employee, or use any title implying that the person, firm, association, or corporation is engaged in such practice or occupation, unless licensed by the State Fire Marshal.

**Pharmacist**

**(225 ILCS 85/5.7)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 5.7. Advertising services. A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

**Physical Therapist**

**(225 ILCS 90/16.5)**

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

Sec. 16.5. Advertising services.

(a) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(b) It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public. It shall be unlawful to **advertise** fee comparisons of available services with those of other persons licensed under this Act.

(c) This Act does not authorize the **advertising** of professional services that the offeror of such services is not licensed to render. Nor shall the **advertiser** use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, play upon the vanity or fears of the public, or promote or produce unfair competition.

(d) It is unlawful and punishable under Section 31 for any person licensed under this Act to knowingly **advertise** that the licensee will accept as payment for services rendered by assignment from any third-party payor the amount the third-party payor covers as payment in full, if the effect is to give the impression of eliminating the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan.

(e) As used in this Section, "**advertise**" means solicitation by the licensee or through another by means of handbills, posters, circulars, motion pictures, radio, **newspapers**, or television or in any other manner.

**Section 1340.66 Advertising**

- a) Persons licensed to practice physical therapy in the State of Illinois may **advertise** in any medium or other form of public communications in a manner which presents information to the public in a truthful, direct, dignified and readily comprehensible manner.
- b) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee and a recording of the actual transmission, including videotape, shall be retained by the licensee for 3 years.
- c) Information which may be contained in **advertising** shall include, but not be limited to:
  - 1) Licensee's name, address, office hours and telephone number;
  - 2) Schools attended;
  - 3) Announcement of additions to or deletions from professional staff;
  - 4) Announcement of the opening of, change of, or return to practice;
  - 5) Professional memberships;
  - 6) Credit arrangements and/or acceptance of Medicare/Medicaid patients and credit cards;

- 7) Foreign language ability;
- 8) Usual and customary fees for routine professional services which must include a statement that fees may be adjusted due to complications or unforeseen circumstances; and
- 9) Description of offices in which licensee practices, e.g., accessibility to the disabled, convenience of parking.

d) Information which may be untruthful, fraudulent, deceptive or misleading includes, but is not limited to, that which:

- 1) Contains an offer to treat patients independent of referrals or a current and relevant diagnosis from a physician, dentist or podiatrist;
- 2) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 3) Guarantees favorable results or creates false or unjustified expectations of favorable results;
- 4) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
- 5) Contains testimonials and/or exaggerations pertaining to the quality of physical therapy care;
- 6) Describes as available products or services which are not permitted by the laws of this State or applicable Federal laws; and
- 7) Advertises professional services which the licensee is not licensed to render.

**[To read the Illinois Press Association advisory on medical product advertising click here:](#)**

## **Physician Assistant**

### **(225 ILCS 95/6)**

(Section scheduled to be repealed on January 1, 2008)

Sec.6. Title;advertising billing.

(a) No physician assistant shall use the title of doctor or associate with his or her name or any other term that would indicate to other persons that he or she is qualified to engage in the general practice of medicine.

(b) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(c) A physician assistant shall not be allowed to bill patients or in any way to charge for services. Nothing in this Act, however, shall be so construed as to prevent the employer of a physician assistant from charging for services rendered by the physician assistant. Payment for services rendered by a physician assistant shall be made to his or her employer if the payor would have made payment had the services been provided by a physician licensed to practice medicine in all its branches.

(d) The supervising physician shall file with the Department notice of employment, discharge, or supervisory control of a physician assistant at the time of employment, discharge, or assumption of supervisory control of a physician assistant.

**[To read the Illinois Press Association advisory on medical product advertising click here:](#)**

## **Plumber**

### **(225 ILCS 320/5)**

Sec.5. Advertising.

(a) Persons who **advertise** plumbing services shall, at their place of business, display the licensed plumber's license of at least one member of the firm, partnership or officer of the corporation and shall maintain a register listing the names and license numbers of all licensed plumbers and all licensed apprentice plumbers currently employed by them. The number of the license so displayed shall also be included with the plumbing identification on vehicles.

(b) No person who provides plumbing services may **advertise** those services unless that person includes in the **advertisement** the license number that is required to be displayed under subsection (a). Nothing contained in this subsection requires the publisher of **advertising** for plumbing services to investigate or verify the accuracy of the license number provided by the advertiser.

(b.5) Any person who **advertises** plumbing services (i) who fails to display the license number required by subsection (a) in all manners required by that subsection, (ii) who fails to provide a **publisher** with the correct number under subsection (b), or (iii) who provides a **publisher** with a false license number or a license number of a person other than the person designated under subsection (a), or any person who allows his or her license number to be displayed or used in order to allow any other person to circumvent any provisions of this Section is guilty of a Class A misdemeanor with a fine of \$1,000, which shall be subject to the enforcement provisions of Section 29 of this Act. Each day that a person fails to display the required license under subsection (a) and each day that an **advertisement** runs or each day that a person allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

In addition to, and not in lieu of, the penalties and remedies provided for in this Section and Section 29 of this Act, any person licensed under this Act who violates any provision of this Section shall be subject to suspension or revocation of his or her license under Section 19 of this Act.

(b.10) In addition to, and not in lieu of, the penalties and remedies provided for in this Section and Sections 19, 20, and 29 of this Act, and after notice and an opportunity for hearing as provided for in this subsection and Section 19 of this Act, the Department may issue an Order Of Correction to the telecommunications carrier furnishing service to any telephone number contained in a **printed advertisement** for plumbing services that is found to be in violation of the provisions of this subsection. The Order of Correction shall be limited to the telephone number contained in the unlawful **advertisement**. The Order of Correction shall notify the telecommunications carrier to disconnect the telephone service furnished to any telephone number contained in the unlawful **advertisement** and that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered to the person.

If, upon investigation, the Department has probable cause to believe that a person has placed an **advertisement** with a telecommunications carrier that: (i) contains a false license number, (ii) contains a license number of a person other than the person designated under subsection (a), or (iii) is placed or circulated by a person who is not properly licensed under this Act, the Department shall provide notice to the person of the Department's intent to issue an Order of Correction to the telecommunications carrier to disconnect the telephone service furnished to any telephone number contained in the unlawful advertisement, and that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered to the person.

Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 20 days from the date of the mailing or service, within which time the person must request a hearing in writing. Failure to serve upon the Department a written request for hearing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing. The hearing, findings, and conclusions shall be in accordance with the provisions contained in Section 19 of this Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Admin. Code 100), which are incorporated by reference herein.

Upon a finding that the person has violated the provisions of this subsection, the Department shall issue the Order of Correction to the telecommunications carrier. If the telecommunications carrier fails to comply with the Order of Correction within 20 days after the order is final, the Department shall inform the Illinois Commerce Commission of the failure to comply and the Illinois Commerce Commission shall require the telecommunications carrier furnishing services to that person to disconnect the telephone service furnished to the telephone number contained in the unlawful advertisement and direct that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered to the person.

A person may have his or her telephone services restored, after an Order of Correction has been issued, upon a showing, to the satisfaction of the Department, that he or she is in compliance with the provisions of this Act.

(c) The Department may require by rule and regulation additional information concerning licensed plumbers and licensed apprentice plumbers maintained in the register. The Department shall have the right to examine the payroll records of such persons to determine compliance with this provision. The Department's right to examine payroll records is limited solely to those records and does not extend to any other business records.

## **Podiatrist**

(225 ILCS 100/21)

(Section scheduled to be repealed on January 1, 2008)

Sec.21. Advertising.

(A) Any podiatric physician may **advertise** the availability of podiatric medical services in the public media or on the premises where such services are rendered. Such **advertising** shall be limited to the following information:

- (a) the podiatric medical services available;
- (b) publication of the podiatric physician's name, title, office hours, address and telephone;
- (c) information pertaining to areas of practice specialization, including appropriate board certification as approved by the Board in accordance with the rules for the administration of this Act or limitation of professional practice;
- (d) information on usual and customary fees for routine podiatric medical services offered, which information shall include notification that fees may be adjusted due to complications or unforeseen circumstances;
- (e) announcement of the opening of, change of, absence from, or return to business;
- (f) announcement of additions to or deletions from professional podiatric staff;
- (g) the issuance of business or appointment cards;
- (h) other information about the podiatric physician, podiatric practice or the types of podiatric services that the podiatric physician offers to perform that a reasonable person might regard as relevant in determining whether to seek the podiatric physician's services.

(B) It is unlawful for any podiatric physician licensed under this Act:

- (1) to use testimonials or claims of superior quality of care to entice the public;
- (2) to **advertise** in any way to practice podiatric medicine without causing pain or deformity; or
- (3) to **advertise** or offer gifts as an inducement to secure patient patronage. Podiatric physicians may advertise or offer free examinations or free podiatric medical services; it shall be unlawful, however, for any podiatric physician to charge a fee to any patient or any third party payor for any podiatric medical service provided at the time that such free examination or free podiatric medical services are provided.

(C) This Act does not authorize the **advertising** of podiatric medical services when the offeror of such services is not a podiatric physician. Nor shall the podiatric physician use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(D) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as provided by rule or the initials authorized under this Act.

### **Section 1360.85 Advertising**

a) If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the podiatric physician, and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the podiatric physician.

b) A podiatric physician may incorporate as a professional service corporation in accordance with the Professional Service Corporation Act [805 ILCS 10] under a fictitious or an assumed name; however, all **advertisements** for podiatric services to be performed by members or employees of the corporation must comply with the following:

- 1) A podiatric physician licensed and practicing in Illinois shall be designated at each practice location for the corporation and shall assume responsibility for all **advertising** in Illinois.



- 2) The name, office address and office phone number of the designated podiatric physician shall appear in all **advertising** for the corporation.
- 3) The names of the owners of the corporation, if other than the designated podiatric physicians, shall appear in all **advertising** for the corporation.
- 4) A list of all podiatric physicians employed by the corporation who perform podiatric services shall be prominently displayed at the location where they practice.
- 5) Any **advertisement** that contains the names of podiatric physicians employed by the corporation shall include at least one of the following terms to describe each podiatric physician's licensure: podiatric physician, doctor of podiatric medicine, podiatrist, foot specialist or chiroprapist.

c) A podiatric physician not incorporated in accordance with the Professional Service Corporation Act [805 ILCS 10] shall identify himself/herself by the use of the name in which the license to practice is issued and shall include at least one of the following terms to describe his/her licensure: podiatric physician, doctor of podiatric medicine, podiatrist, foot specialist or chiroprapist. This name and designation shall appear in all forms of **advertising**, in whatever medium conveyed.

d) A podiatric physician may **advertise** certification by a certifying specialty board approved by the Board or by the Council on Podiatric Medical Education. Approvals granted by the Board shall be subject to review and reconsideration every 2 years. In approving a certifying specialty board, the Board shall determine that the specialty board has met, at a minimum, the following criteria:

- 1) The certifying specialty board requires passage of an examination appropriately designed to test the applicant's knowledge of the area of specialty in order to obtain certification. The testing standards of the certifying specialty board are established prior to the test and are based on standards of acceptable psychometric validity and reliability;
- 2) The certifying specialty board requires appropriate educational and experience standards in order to obtain certification and grants or denies certification based on objective performance, skill, knowledge and merit of the candidate; and
- 3) The certifying specialty board shall be approved by an appropriate national accrediting agency for the certification of professional programs at least 2 years prior to application to the Division.

e) Any specialty **advertisement** shall include the complete name of the certifying specialty board.

f) In addition to the above requirements, a podiatric physician shall comply with **advertising** requirements set forth in Section 21 of the Act.

***To read the Illinois Press Association advisory on medical product advertising click here:***

## **Private Alarm Dealer**

### **(225 ILCS 447/10-5)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, or locksmith or to **advertise** or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to

**advertise**, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless licensed by the Department.

**(225 ILCS 447/35-15)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-15. Advertisements;penalties.

(a) No licensee providing services regulated by this Act may knowingly **advertise** those services without including his or her license number in the **advertisement**. The **publisher** of the **advertising**, however, is not required to verify the accuracy of the **advertisement** or the license number.

(b) A licensee who **advertises** services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business, (ii) fails to provide the **publisher** with the current license number, or (iii) provides the **publisher** with a false license number or a license number other than that of the person or agency doing the **advertising** or a licensee who knowingly allows his or her license number to be displayed or used by another person or agency to circumvent any provision of this subsection, is guilty of a Class A misdemeanor. Each day an **advertisement** is published or a licensee allows his or her license to be used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary action, fines, and civil penalty provisions of this Act.

## **Private Detective**

**(225 ILCS 447/10-5)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-5.Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, or locksmith or to **advertise** or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to **advertise**, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless licensed by the Department.

**(225 ILCS 447/35-15)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-15. Advertisements;penalties.

(a) No licensee providing services regulated by this Act may knowingly **advertise** those services without including his or her license number in the **advertisement**. The **publisher** of the **advertising**, however, is not required to verify the accuracy of the **advertisement** or the license number.

(b) A licensee who advertises services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business, (ii) fails to provide the **publisher** with the current license number, or (iii) provides the **publisher** with a false license number or a license number other than that of the person or agency doing the **advertising** or a licensee who knowingly allows his or her license number to be displayed or used by another person or agency to circumvent any provision of this subsection, is guilty of a Class A misdemeanor. Each day an **advertisement** is published or a licensee allows his or her license to be used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary action, fines, and civil penalty provisions of this Act.

## **Private Employment Agency**

**(225 ILCS 515/4)**

Sec. 4. It shall be unlawful for any person to act as an employment counsellor, or to **advertise**, or assume to act as an employment counsellor, without first obtaining a license as such employment counsellor, from the Department of Labor. It shall be unlawful for any person to engage in, operate or carry on the business of an employment agency unless each employee of such agency, who furnishes information to any person as to where employees or employment may be obtained or found, is a licensed employment counsellor. Where the license to conduct an employment agency is issued to a corporation and any officer of the corporation performs any function defined as those to be performed by an employment counsellor, he shall be considered an employee of the corporation and shall be required to secure a license as an employment counsellor.

**(225 ILCS 515/5.1)**

Sec. 5.1. Any employment agency which derives no placement fees from applicants may act with the same rights and powers as persons who are not an employment agency as defined in this Act:

(a) with regard to contacting prospective and existing applicants; and

(b) with respect to identifying themselves and **advertising** their services to the public but must state in the **advertising** that the employment agency is acting as the agency or representative of an employer.

(c) any licensed employment agency which places an individual with an employer and accepts a fee for the placement and recontacts that individual for the purpose of replacing the individual with another employer shall be subject to a hearing by the Illinois Department of Labor which may result in the revocation of the employment agency's license.

**(225 ILCS 515/10)**

Sec.10.Licensee prohibitions. No licensee shall send or cause to be sent any female help or servants, inmate, or performer to enter any questionable place, or place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution or gambling house, the character of which licensee knows either actually or by reputation.

No licensee shall permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent the agency.

No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the Child Labor Law. A violation of any provision of this Section shall be a Class A misdemeanor.

No licensee shall **publish** or cause to be **published** any fraudulent or misleading notice or **advertisement** of its employment agencies by means of cards, circulars, or signs, or in **newspapers** or other publications; and all letterheads, receipts, and blanks shall contain the full name and address of the employment agency and licensee shall state in all notices and **advertisements** the fact that licensee is, or conducts, a private employment agency.

No licensee shall print, **publish**, or paint on any sign or window, or insert in any **newspaper** or publication, a name similar to that of the Illinois Public Employment Office.

**Section 680.300 Prohibition of False or Misleading Statements**

No licensee shall **publish** or cause to be **published** or circulate any false or fraudulent or misleading information, representation, promise or notice by **advertising**, or in any other way make false statements or misrepresentation to any person seeking employment or to any employer seeking employees.

**Section 680.310 Prohibition of Solicitation for Jobs Not on File**

No licensee shall **publish** or cause to be **published** any notice or **advertisement** soliciting persons to register for a specific job unless the licensee has on file a current bona fide job order as required by Section 903 of the Act. Job orders must be received from an employer or an authorized representative therefrom. Exaggerated claims may not be made as to the number of positions currently available.

**Section 680.320 Maintenance of File**

Each licensee must maintain a file of all job **advertisements** identified by date and publication. Such records shall be retained for one year.

**Section 680.330 Advertisements and Notices**

Except for licensees whose trade name contains the term Personnel, Employment Agency, or Employment Service, all **advertisements** and any notices, published in any manner, by any private employment agency which accepts a placement fee from the applicant, shall carry the name and address under which the private employment agency is licensed to do business and the fact that it conducts a private employment agency. If a licensee chooses to adopt an abbreviated name for **advertising** purposes, prior approval must be obtained from the Department of Labor. A licensee shall not use a Post Office, **newspaper** or any other box number in any **advertising**, unless a licensee identifies itself as required by the Act, and Rules and Regulations.

#### **Section 680.340 Indication of Employer Paying Placement Fees**

All **advertisements** of positions which indicate that the employer pays the placement fee must be clearly identified as such, by use of the terms 'no fee to applicant', 'employer pays fee', 'no charge to applicant', and distinct from positions which the applicant shall pay the fee. On advertised positions which indicate that the employer will pay the fee, the licensee shall be responsible for the employer pay fee arrangement and without any cost to the applicant. The offering of such positions shall not be used to 'bait' in any manner to secure applicants for fee positions. **Advertisements** containing both employer pay fee positions and applicant pay fee positions shall be stated in a non-deceptive manner so as to preclude any misunderstanding as to which jobs cost the applicant a fee. In positions offered to applicants whereby a representation is made that the employer will pay the fee, licensee shall be responsible for the employer pay fee arrangement without any cost to the applicant.

#### **Section 680.350 Salary**

No salary shall appear in an **advertisement** except the salary indicated in the actual job order. Only base salaries may be **advertised** in total amounts, although contingent benefits such as incentive pay, bonuses, vacation, expenses, profit sharing may be mentioned if actually existent.

- a) Base salary is defined as that amount which the employer in its job order agrees to pay, exclusive of contingent or fringe benefits.
- b) When several positions are offered in a range of salaries, the minimum as well as the maximum salary in each classification must be quoted.
- c) No dollar references may be made as to potential earnings unless demonstrable and verifiable.

#### **Section 680.360 Cancellation of Advertisements for Filled Positions**

**Advertisements** of positions which have been filled shall be cancelled promptly.

***To read the Illinois Press Association advisory on employment agency advertising click here:***

### **Private Security Contractor**

#### **(225 ILCS 447/10-5)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, or locksmith or to **advertise** or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to

**advertise**, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless licensed by the Department.

**(225 ILCS 447/35-15)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-15. Advertisements; penalties.

(a) No licensee providing services regulated by this Act may knowingly **advertise** those services without including his or her license number in the **advertisement**. The **publisher** of the **advertising**, however, is not required to verify the accuracy of the **advertisement** or the license number.

(b) A licensee who **advertises** services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business, (ii) fails to provide the **publisher** with the current license number, or (iii) provides the **publisher** with a false license number or a license number other than that of the person or agency doing the **advertising** or a licensee who knowingly allows his or her license number to be displayed or used by another person or agency to circumvent any provision of this subsection, is guilty of a Class A misdemeanor. Each day an **advertisement** is published or a licensee allows his or her license to be used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary action, fines, and civil penalty provisions of this Act.

## **Professional Counselor**

**(225 ILCS 107/80)**

(Section scheduled to be repealed on January 1, 2013)

Sec.80. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed \$1000 for each violation, with regard to any license for any one or more of the following:

(19) Solicitation of professional services by using false or misleading **advertising**.

### **Section 1375.225 Unprofessional Conduct**

5) **Advertising** shall not be deceptive, misleading or false. Counselors should claim or imply only professional credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in professional counseling.

## **Professional Engineer**

**(225 ILCS 325/22)**

(Section scheduled to be repealed on January 1, 2010)

Sec.22. Advertising. Any person licensed under this Act may **advertise** the availability of professional services in the media or on the premises where such professional services are rendered as permitted by law, if such **advertising** is truthful and not misleading.

**Professional Geologist** (Note: No administrative rules relating to advertising for this profession have been enacted.)

**(225 ILCS 745/80)** (Section scheduled to be repealed on January 1, 2016)

Sec.80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$5,000 for each violation, with regard to any license for any one or combination of the following:

- (4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules promulgated under this Act pertaining to **advertising**.

## **Professional Land Surveyor**

**(225 ILCS 330/16)**

(Section scheduled to be repealed on January 1, 2010)

Sec. 16. Unlawful to practice without license or registration. It is unlawful for any person, sole proprietorship, professional service corporation, corporation, partnership, limited liability company, or other entity to practice land surveying, or **advertise** or display any sign, card or other device which might indicate to the public that the person or entity is entitled to practice as a land surveyor, or use the initials "P.L.S.", "L.S.", or "S.I.T.", use the title "Professional Land Surveyor" or "Land Surveyor-in-Training" or any of their derivations, unless such person holds a valid active license as a Professional Land Surveyor or Land Surveyor-in-Training in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, limited liability company, or other entity is in compliance with this Act.

**(225 ILCS 330/24)**

(Section scheduled to be repealed on January 1, 2010)

Sec.24. Advertising. Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered, as permitted by law; provided, that such **advertising** is truthful and not misleading.

## **Pyrotechnic Distributor/Operator**

**(225 ILCS 227/10)**

Sec. 10. License; enforcement. No person may act as a pyrotechnic distributor or lead pyrotechnic operator, or **advertise** or use any title implying that the person is a pyrotechnic distributor or lead pyrotechnic operator, unless licensed by the Office of the State Fire Marshal under this Act.

## **Real Estate Appraiser**

**(225 ILCS 458/5-5)**

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-5. Necessity of license; use of title; exemptions.

(a) Beginning July 1, 2002, it is unlawful for a person to act or assume to act as a real estate appraiser, to engage in the business of real estate appraisal, to develop a real estate appraisal, to practice as a real estate appraiser, or to **advertise** or hold himself or herself out to be a real estate appraiser in connection with a federally related transaction without a real estate appraiser license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor.

## **Real Estate Broker**

**(225 ILCS 454/5-15)**

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-15. Necessity of broker, salesperson, or leasing agent license or sponsor card; ownership restrictions.

(a) It is unlawful for any person, corporation, limited liability company, registered limited liability partnership, or partnership to act as a real estate broker, real estate salesperson, or leasing agent or to **advertise** or assume to act as such broker, salesperson, or leasing agent without a properly issued sponsor card or a license issued under this Act by OBRE, either directly or through its authorized designee.

**(225 ILCS 454/10-30)**

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-30. Advertising.

(a) No **advertising** shall be fraudulent, deceptive, inherently misleading, or proven to be misleading in practice. It shall be considered misleading or untruthful if, when taken as a whole, there is a distinct and reasonable possibility that it will be misunderstood or will deceive the ordinary purchaser, seller, lessee, lessor, or owner. **Advertising** shall contain all information necessary to communicate the information contained therein to the public in a direct and readily comprehensible manner.

(b) No blind **advertisements** may be used by any licensee except as provided for in this Section.

(c) A licensee shall disclose, in writing, to all parties in a transaction his or her status as a licensee and any and all interest the licensee has or may have in the real estate constituting the subject matter thereof, directly or indirectly, according to the following guidelines:

(1) On broker yard signs or in broker **advertisements**, no disclosure of ownership is necessary. However, the ownership shall be indicated on any property data form and disclosed to persons responding to any **advertisement** or any sign. The term "broker owned" or "agent owned" is sufficient disclosure.

(2) A sponsored or inoperative licensee selling or leasing property, owned solely by the sponsored or inoperative licensee, without utilizing brokerage services of their sponsoring broker or any other licensee, may advertise "By Owner". For purposes of this Section, property is "solely owned" by a sponsored or inoperative licensee if he or she (i) has a 100% ownership interest alone, (ii) has ownership as a joint tenant or tenant by the entirety, or (iii) holds a 100% beneficial interest in a land trust. Sponsored or inoperative licensees selling or leasing "By Owner" shall comply with the following if advertising by owner:

(A) On "By Owner" yard signs, the sponsored or inoperative licensee shall indicate "broker owned" or "agent owned." "By Owner" advertisements used in any medium of **advertising** shall include the term "broker owned" or "agent owned."

(B) If a sponsored or inoperative licensee runs **advertisements**, for the purpose of purchasing or leasing real estate, he or she shall disclose in the advertisements his or her status as a licensee.

(C) A sponsored or inoperative licensee shall not use the sponsoring broker's name or the sponsoring broker's company name in connection with the sale, lease, or **advertisement** of the property nor utilize the sponsoring broker's or company's name in connection with the sale, lease, or **advertising** of the property in a manner likely to create confusion among the public as to whether or not the services of a real estate company are being utilized or whether or not a real estate company has an ownership interest in the property.

(d) A sponsored licensee may not **advertise** under his or her own name. **Advertising** shall be under the direct supervision of the sponsoring or managing broker and in the sponsoring broker's business name, which in the case of a

franchise shall include the franchise affiliation as well as the name of the individual firm. This provision does not apply under the following circumstances:

(1) When a licensee enters into a brokerage agreement relating to his or her own real estate, or real estate in which he or she has an ownership interest, with another licensed broker; or

(2) When a licensee is selling or leasing his or her own real estate or buying or leasing real estate for himself or herself, after providing the appropriate written disclosure of his or her ownership interest as required in paragraph (2) of subsection (c) of this Section.

(e) No licensee shall list his or her name under the heading or title "Real Estate" in the telephone directory or otherwise **advertise** in his or her own name to the general public through any medium of **advertising** as being in the real estate business without listing his or her sponsoring broker's business name.

(f) The sponsoring broker's business name and the name of the licensee must appear in all **advertisements**, including business cards. Nothing in this Act shall be construed to require specific print size as between the broker's business name and the name of the licensee.

#### **Section 1450.140 Advertising**

a) Deceptive and misleading advertising includes, but is not limited to, the following:

- 1) **advertising** a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker;
- 2) failing to remove **advertising** of a listed property within a reasonable time, given the nature of the **advertising**, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement;
- 3) **advertising** a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required; and
- 4) **advertising** a property in a manner that creates a reasonable likelihood of confusion regarding the permitted use of the property. **Advertising** for a property zoned single family shall be deemed to be likely to confuse a buyer regarding the permitted use of the property where the **advertising** contains words or phrases suggesting multi-dwelling use, including but not limited to "apartment", "two units", "related living", "in-law arrangement", or "related apartment".

b) For the purposes of this Section and Section 1450.145 on Internet **Advertising**, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered **advertising**.

c) For the purposes of this Section and Section 1450.145 on Internet **Advertising**, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered **advertising**.

d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general **advertising** of the sponsoring broker.



[To read the Illinois Press Association advisory on real estate advertising click here:](#)

[To read the Illinois Press Association advisory on housing advertising click here:](#)

## Respiratory Care Worker

### (225 ILCS 106/60)

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

Sec. 60. Professional identification; advertising.

(a) A person who is licensed with the Department of Professional Regulation in this State may use the title "respiratory care practitioner" and the abbreviation "RCP".

(b) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

### Section 1456.100 Unprofessional Conduct

a) Pursuant to Section 95 of the Act, unprofessional conduct in the practice of respiratory care shall include but not be limited to:

- 2) Circulating untruthful, fraudulent, deceptive or misleading **advertising**;

## Roofer

### (225 ILCS 335/5)

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

Sec. 5. Display of license number; advertising.

(a) Each State licensed roofing contractor shall affix the license number of his or her license to all of his or her contracts and bids. In addition, the official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(b) In addition, every roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used as part of his or her business as a roofing contractor.

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

(d) No person licensed under this Act may **advertise** services regulated by this Act unless that person includes in the **advertisement** his or her license number. Nothing contained in this subsection requires the **publisher** of **advertising** for roofing contractor services to investigate or verify the accuracy of the license number provided by the licensee.

(e) A person who **advertises** services regulated by this Act who knowingly (i) fails to display the license number in any manner required by this Section, (ii) fails to provide a **publisher** with the correct license number as required by subsection (d), or (iii) provides a **publisher** with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of \$1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an **advertisement** runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

## Social Worker

**(225 ILCS 20/17)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 17. Advertising.

(A) Persons licensed under this Act may **advertise** the availability of their professional services as permitted by law, provided that such **advertising** is true and not misleading. Representing that social work services or clinical social work services are used or made available by individuals who are not licensed under the provisions of this Act is deemed to be false and misleading and is subject to the provisions of Section 35 of this Act.

(B) A licensee shall include in every **advertisement** for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

## **Speech-Language Pathologist**

**(225 ILCS 110/16.5)**

(Section scheduled to be repealed on January 1, 2008)

Sec. 16.5. Advertising. A person licensed under this Act as a speech-language pathologist or audiologist may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, provided the **advertising** is truthful and not misleading or deceptive. The Department may adopt rules consistent with this Section.

## **Structural Engineer**

**(225 ILCS 340/34)**

(Section scheduled to be repealed on January 1, 2010)

Sec. 34. Each of the following acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(a) The practice, attempt to practice, or offer to practice structural engineering, or the **advertising** or putting out any sign, card, or other device which might indicate to the public that the person or entity is entitled to practice structural engineering, without a license as a licensed structural engineer, or registration as a professional design firm issued by the Department. Each day of practicing structural engineering, or attempting to practice structural engineering, and each instance of offering to practice structural engineering, without the appropriate license or registration constitutes a separate offense.

(g) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices structural engineering or **advertises** or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a structural engineer or use the title "structural engineer" or any of its derivations unless the person or entity holds an active license or registration in the State; then, in addition to any other penalty provided by law any person who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$5,000 for each offense.

## **Veterinarian**

**(225 ILCS 115/24)**

(Section scheduled to be repealed on January 1, 2014)

Sec. 24. Any person licensed under this Act may **advertise** the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law; provided that such **advertising** is truthful and not misleading and is in conformity with rules promulgated by the Department.

### **Section 1500.55 Advertising**

a) Persons licensed to practice veterinary medicine and surgery in the State of Illinois may **advertise** in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently

misleading or proven to be misleading in practice. **Advertising** shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of communication shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.

b) Information that may be contained in such **advertising** shall include:

- 1) Registrant's name, address, office hours and telephone number;
- 2) Schools attended;
- 3) Announcement of the opening of, change of or return to practice;
- 4) Announcement of additions to or deletions from professional staff;
- 5) Registrant's hospital affiliation(s);
- 6) Areas of specialization; including Board certification, professional society memberships and any limitations or concentration of practice;
- 7) Credit arrangements and acceptance of credit cards;
- 8) Foreign language ability;
- 9) Usual and customary fees for routine professional services which must include statement that fees may be adjusted due to complications or unforeseen circumstances;
- 10) Description of offices in which registrant practices (e.g., kennel or laboratory facilities on the premises, convenience of parking); and
- 11) Other information about the registrant, the registrant's practice, or the types of practice in which the registrant will accept employment, that a reasonable person might regard as relevant in determining whether to seek the registrant's services.

If an **advertisement** is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the registrant, and a recording of the actual transmission, including videotape, shall be retained by the registrant for a period of at least five (5) years.

d) Information that may be untruthful, fraudulent, deceptive, inherently misleading or has proven to be misleading in practice includes that which:

- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
- 3) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;
- 4) Contains testimonials and/or exaggerations pertaining to the quality of veterinarian care;
- 5) Describes as available products or services that are not permitted by the laws of this State and/or applicable federal laws; and
- 6) **Advertises** professional services that the registrant is not licensed to render.

