



2021 South Dakota Legislature

House Bill 1258

HOUSE COMMERCE AND ENERGY ENGROSSED

Introduced by: **Representative Perry**

1 **An Act to revise certain provisions regarding cosmetology apprentice programs.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 36-15-2.3 be AMENDED.

4 **36-15-2.3. Application for esthetics examination--Information required.**

5 Any person desiring to practice esthetics in this state as an esthetician shall apply
6 to the commission to take the esthetics examination. The application shall:

- 7 (1) Contain the information required by § 36-15-15;
8 (2) Contain proof that the applicant is enrolled in or has completed the required hours
9 of education, as established by rules pursuant to § 36-15-13, or equivalent credit
10 hours in an approved and licensed cosmetology or esthetics school or in lieu of such
11 education, is enrolled or has successfully completed a course of apprenticeship in a
12 licensed cosmetology or esthetics salon as provided for in this chapter; and
13 (3) Be accompanied by the fee required in this chapter.

14 **Section 2.** That § 36-15-42 be AMENDED.

15 **36-15-42. Apprentice license required for apprenticeship--Requirements**
16 **and term of license.**

17 A person may receive apprenticeship education in cosmetology, esthetics, and nail
18 technology. However, no person may receive apprenticeship education unless that person
19 is licensed as an apprentice. Any person may apply to the commission to be licensed as
20 an apprentice if the applicant:

- 21 (1) Submits evidence satisfactory to the commission that the applicant possesses those
22 qualifications, except for age, required pursuant to § 36-15-15;
23 (2) Is at least seventeen years of age or older; and

1 (3) The cosmetology, esthetics, or nail salon in which the apprentice will receive
2 education is currently licensed as an apprentice salon and is adequately equipped
3 to teach the profession of cosmetology, esthetics, or nail technology, as applicable.

4 Any apprentice license issued pursuant to this chapter is valid for the full period of the
5 apprenticeship as defined in § 36-15-45 and is not renewable. The application shall be
6 accompanied by the fee required in this chapter.

7 **Section 3.** That § 36-15-44 be AMENDED.

8 **36-15-44. Maximum number of apprentices in salon.**

9 An apprentice salon may have up to ~~four~~ eight apprentices not to exceed two
10 apprentices per instructor during any one period of time.

11 **Section 4.** That § 36-15-45 be AMENDED.

12 **36-15-45. Required period of apprenticeship--Transfer to another salon--**
13 **Break in apprenticeship period.**

14 A licensed apprentice in cosmetology shall receive education in the practice of
15 cosmetology as required by this chapter in the same cosmetology salon for ~~two thousand~~
16 ~~one hundred fifty~~ fifteen hundred consecutive hours. A licensed apprentice in esthetics
17 shall receive education in the practice of esthetics as required by this chapter for six
18 hundred consecutive hours. A licensed apprentice in nail technology shall receive
19 education in the practice of nail technology as required by this chapter for ~~nine~~ four
20 hundred consecutive hours in the same cosmetology salon or nail salon. The commission
21 may permit an apprentice to transfer to another cosmetology ~~salon~~, esthetics, or nail
22 salon, as applicable, for completion of the apprenticeship if the apprentice applies for the
23 transfer in writing to the commission and shows good cause for the request. The
24 commission may permit a break in the consecutive period of the apprenticeship if the
25 apprentice applies for the break in writing to the commission and shows good cause for
26 the request. The commission shall define good cause by rules promulgated pursuant to
27 chapter 1-26.

28 **Section 5.** That § 36-15-47 be AMENDED.

1 **36-15-47. Apprenticeship to practice in licensed salon--Supervision and time**
2 **required for study and practice.**

3 Any apprenticeship licensed pursuant to this chapter may practice cosmetology if the
4 practice is performed only in a cosmetology ~~salon~~, esthetics, or nail salon, as applicable,
5 licensed pursuant to this chapter; the apprentice is under the constant supervision,
6 control, and direction of a licensed instructor at all times; and the apprentice is actually
7 engaged in the study and practice of cosmetology, esthetics, or nail technology at least
8 forty hours a week.

9 **Section 6.** That § 36-15-50 be AMENDED.

10 **36-15-50. Temporary license issued on completion of apprenticeship--**
11 **Duration of license.**

12 Any person who successfully completes the term of apprenticeship pursuant to this
13 chapter may apply to the commission for a temporary license which will authorize the
14 applicant to perform all the practices of a regularly licensed cosmetologist, esthetician, or
15 nail technician, as applicable. The temporary license application shall be accompanied
16 with:

- 17 (1) Evidence satisfactory to the commission that the applicant possesses the
18 qualifications required pursuant to § 36-15-15;
- 19 (2) Evidence satisfactory to the commission that the apprenticeship period has been
20 completed;
- 21 (3) The fee for a temporary license as provided in this chapter; and
- 22 (4) The application and fee for the cosmetologist or nail technician examination, as
23 applicable.

24 A temporary license issued by the commission is valid until the date of the next
25 scheduled examination in cosmetology, esthetics, or nail technology, as applicable. If the
26 holder of a temporary license takes the applicable examination at that time, the
27 commission shall extend the temporary license until the result of the examination is mailed
28 to the person. If a person is not excused from the examination by the commission or fails
29 the examination, the temporary license is invalid and may not be extended or reissued.