



2024 South Dakota Legislature

House Bill 1054

Introduced by: **Representative Moore**

1 **An Act to amend requirements for cosmetology apprenticeships.**

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

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

4 **36-15-1.** Terms used in this chapter mean:

- 5 (1) "Apprentice," any person licensed by the commission to receive education through
6 an apprenticeship in a salon;
- 7 (2) "Apprentice salon," any salon licensed by the commission to teach apprentices;
- 8 (3) "Booth," any part within a licensed salon that is rented or leased for the purpose
9 of rendering licensed cosmetology services as a separate, independent salon
10 business;
- 11 (4) "Commission," the Cosmetology Commission as established and created in § 36-
12 15-3;
- 13 (5) "Cosmetologist," any person who, for compensation, engages in any of the
14 practices of cosmetology;
- 15 (6) "Cosmetology," any one or any combination of the practices set forth in § 36-15-
16 2;
- 17 (7) "Demonstrator," any person licensed to practice cosmetology, nail technology, or
18 esthetics in this state, in another state, or in another country, who demonstrates
19 the various practices of cosmetology, as applicable, in order to inform or educate
20 other licensees or the public;
- 21 (8) "Esthetician," any person who, for compensation, engages in the practice of
22 esthetics, but not in other practices of cosmetology;
- 23 (9) "Esthetics," any one or any combination of the practices set forth in § 36-15-2.2;
- 24 (10) "Instructor," any person who is licensed by the commission to instruct in a school
25 or an apprentice salon and who meets the requirements set forth in § 36-15-25;

- 1 (11) "Nail technology," any one or any combination of the practices set forth in § 36-
2 15-17.2;
- 3 (12) "Nail technician," any person who, for compensation, engages in the practice of
4 nail technology, but not in other practices of cosmetology;
- 5 (13) "Natural hair braiding," any one or any combination of the practices set forth in
6 § 36-15-1.1;
- 7 (14) "Salon," any place, premise, or building or any part of a building operated for the
8 purpose of engaging in the practice of cosmetology, nail technology, or esthetics,
9 or any combination of these practices;
- 10 (15) "School," any place, premise, or building that is licensed by the commission to
11 provide education to students in the practice of cosmetology, nail technology, or
12 esthetics, or any combination of these practices;
- 13 (16) "School premises," any permanent building or other structures approved by the
14 commission as a school campus under one school license;
- 15 (17) "Student," any person who is licensed by the commission to receive education in a
16 licensed school.

17 **Section 2. That § 36-15-25 be AMENDED:**

18 **36-15-25.** No person may teach in a school or an apprentice salon unless that
19 person is licensed by the commission as an instructor. Any person may qualify and be
20 licensed by the commission as an instructor for cosmetology, nail technology, or esthetics,
21 as applicable, upon application made to the commission. The application shall be
22 accompanied by satisfactory evidence that the applicant:

- 23 (1) Possesses the qualifications required by § 36-15-15;
- 24 (2) Currently holds a valid cosmetologist, nail technician, or esthetician license, as
25 applicable;
- 26 (3) Has complied with any instructor education as prescribed by § 36-15-26.2 or has
27 at least one year of teaching experience as a licensed instructor from another state
28 in cosmetology, nail technology, or esthetics, as applicable; and
- 29 (4) Has passed an examination prescribed by the commission.

30 However, the applicant may receive the license conditionally, dependent on
31 completing instructor education and passing the examination as prescribed by the
32 commission in rules adopted pursuant to chapter 1-26.

33 An instructor with a cosmetologist license may instruct in any practice of
34 cosmetology. An instructor with a nail technician license may only instruct in the practice

1 of nail technology. An instructor with an esthetician license may only instruct in the
2 practice of esthetics.

3 The commission may promulgate rules, pursuant to chapter 1-26, to establish
4 education and experience requirements for a person to serve as a substitute instructor.

5 **Section 3. That § 36-15-42.1 be AMENDED:**

6 **36-15-42.1.** ~~No~~A salon may not offer apprenticeship education without obtaining
7 an apprentice salon license. The owner of the salon may apply to the commission to be
8 licensed as an apprentice salon if:

9 (1) The salon meets the applicable requirements of this chapter and rules promulgated
10 pursuant to this chapter;

11 (2) The salon has passed the annual inspection for the current year; and

12 (3) The application is accompanied by the fee required in this chapter.

13 The apprentice salon license ~~is valid for the length of the apprenticeship as stated~~
14 ~~in § 36-15-45. If the apprenticeship period extends longer than the length of hours in~~
15 ~~§ 36-15-45, as applicable, then the apprentice salon license shall be renewed. The~~
16 ~~commission may grant an extension of the license for good cause. The commission shall~~
17 ~~define good cause by rules promulgated pursuant to chapter 1-26 expires one year from~~
18 ~~the date of issuance and is renewable annually. The renewal application must be~~
19 ~~accompanied by the fee required in this chapter.~~

20 **Section 4. That § 36-15-44 be AMENDED:**

21 **36-15-44.** An apprentice salon may have up to eight apprentices, ~~not to exceed~~
22 ~~two apprentices per instructor during any one period of time.~~

23 **Section 5. That § 36-15-45 be AMENDED:**

24 **36-15-45.** A licensed apprentice in cosmetology ~~shall~~ must receive education in
25 the practice of cosmetology as required by this chapter in the same cosmetology salon for
26 no less than fifteen hundred consecutive hours. A licensed apprentice in esthetics ~~shall~~
27 must receive education in the practice of esthetics as required by this chapter for no less
28 than six hundred consecutive hours. A licensed apprentice in nail technology ~~shall~~ must
29 receive education in the practice of nail technology as required by this chapter for no less
30 than four hundred consecutive hours in the same cosmetology salon or nail salon. The
31 commission may permit an apprentice to transfer to another cosmetology, esthetics, or

1 nail salon, as applicable, for completion of the apprenticeship if the apprentice applies for
2 the transfer in writing to the commission and shows good cause for the request. The
3 commission may permit a break in the consecutive period of the apprenticeship if the
4 apprentice applies for the break in writing to the commission and shows good cause for
5 the request. The commission shall define good cause by rules promulgated pursuant to
6 chapter 1-26.

7 Hours obtained in completion of an apprenticeship can be transferred between
8 programs.

9 **Section 6. That § 36-15-47 be AMENDED:**

10 **36-15-47.** Any apprentice licensed pursuant to this chapter may practice
11 cosmetology if the practice is performed only in a cosmetology, esthetics, or nail salon, as
12 applicable, licensed pursuant to this chapter; the apprentice is under the constant
13 supervision, control, and direction of a licensed instructor at all times; and the apprentice
14 is actually engaged in the study and practice of cosmetology, esthetics, or nail technology
15 ~~at least forty~~ no less than twenty hours a week.

16 **Section 7. That § 36-15-48 be AMENDED:**

17 **36-15-48.** The commission may adopt reasonable rules pursuant to chapter 1-26
18 pertaining to a report on the progress and education received by any apprentice required
19 of the licensed ~~instructor~~ apprentice salon ~~under whom~~ which the apprentice is being
20 supervised.

21 **Section 8. That chapter 36-15 be amended with a NEW SECTION:**

22 A licensed apprentice who has completed hours in cosmetology, esthetics, or nail
23 technology may apply the completed hours be used towards meeting the curriculum
24 requirements of another program as long as the completed hours meet the requirements
25 of the other program.

26 **Section 9. That chapter 36-15 be amended with a NEW SECTION:**

27 A person who has completed hours under an apprenticeship or at a licensed school
28 may have those completed hours be transferable between an apprenticeship, program, or
29 a school. This includes hours completed in another state that meet the requirements of
30 the commission.