



2024 South Dakota Legislature
House Bill 1233
ENROLLED

AN ACT

ENTITLED An Act to amend requirements for a cosmetology apprenticeship.

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

Section 1. That § 36-15-1 be AMENDED:

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

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

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

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

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

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

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

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

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

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

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

36-15-42.1. A salon may not offer apprenticeship education without obtaining an apprentice salon license. The owner of the salon may apply to the commission to be licensed as an apprentice salon if:

- (1) The salon meets the applicable requirements of this chapter and rules promulgated pursuant to this chapter;
- (2) The salon has passed the annual inspection for the current year; and
- (3) The application is accompanied by the fee required in this chapter.

The apprentice salon license expires one year from the date of issuance and is renewable annually. The renewal application must be accompanied by the fee required in this chapter.

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

36-15-44. An apprentice salon may have up to eight apprentices not to exceed two apprentices per instructor.

Section 5. That § 36-15-47 be AMENDED:

36-15-47. Any apprentice licensed pursuant to this chapter may practice cosmetology if the practice is performed only in a cosmetology, esthetics, or nail salon, as applicable, licensed pursuant to this chapter; the apprentice is under the constant supervision, control, and direction of a licensed instructor at all times; and the apprentice is actually engaged in the study and practice of cosmetology, esthetics, or nail technology at least forty hours a week. At the election of the apprentice, the apprenticeship may be pursued on a part-time basis, with a minimum of twenty hours per week. The apprentice may elect to revert to full-time status at any time by notifying the commission at least fifteen days prior to the change taking effect.

Section 6. That § 36-15-48 be AMENDED:

36-15-48. The commission shall adopt reasonable rules pursuant to chapter 1-26 pertaining to a report on the apprentice's progress and education received from a licensed instructor.

Section 7. That a NEW SECTION be added to chapter 36-15:

A licensed apprentice who has completed hours in cosmetology, esthetics, or nail technology may apply the completed hours towards meeting the curriculum requirements of another apprentice program if the completed hours meet the requirements of the other program.

Section 8. That a NEW SECTION be added to chapter 36-15:

A person who has completed hours under an apprenticeship or at a licensed school may have those completed hours be transferable between an apprenticeship, program, or school if allowed by the institution to which the person is transferring.

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I certify that the attached Act originated in
the:

House as Bill No. 1233

Received at this Executive Office
this _____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1233
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State