2026 South Dakota Legislature

House Bill 1165

Introduced by: ***Representative*** *Schwans*

An Act to establish basic and advanced esthetics licenses, and to revise the licensure chapter for cosmetology, nail technology, and esthetics.

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) "Advanced esthetician," an individual who holds an advanced esthetics license issued by the commission;

(2) "Apprentice," any ~~person~~ individual licensed by the commission to receive education through an apprenticeship in a salon;

~~(2)~~(3) "Apprentice salon," any salon licensed by the commission to teach apprentices;

~~(3)~~(4) "Basic esthetician," an individual who holds a basic esthetics license issued by the commission;

(5) "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)~~(6) "Chemical exfoliation," a resurfacing procedure performed with a chemical solution or product for the purpose of removing superficial layers of the epidermis;

(7) "Commission," the Cosmetology Commission ~~as established and created in § 36-15-3~~;

~~(5)~~(8) "Cosmetologist," ~~any person who, for compensation, engages in any of the practices of~~ an individual who holds a cosmetology license issued by the commission;

~~(6) "Cosmetology," any one or any combination of the practices set forth in § 36-15-2;~~

~~(7)~~(9) "Demonstrator," any ~~person~~ individual licensed to practice cosmetology, nail technology, basic esthetics, or advanced esthetics in this state, ~~in~~ another state,

or ~~in~~ another country, who demonstrates ~~the various~~ practices of cosmetology, nail technology, basic esthetics, or advanced esthetics, 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) "Dermaplaning," the use of a scalpel or sharp, bladed instrument to remove the upper layers of the stratum corneum;

(11) "Electrical energy treatments," the use of electrical energy through light, direct current, indirect current, or sound energy, applied to the epidermis by a high frequency machine, provided the term does not include lasers used in the practice of medicine or used in the permanent removal of hair;

(12) "Instructor," ~~any person~~ an individual who is licensed by the commission to instruct in a school or an apprentice salon ~~and who meets the requirements set forth~~ in accordance with § 36-15-25;

~~(11) "Nail technology," any one or any combination of the practices set forth in § 36-15-17.2;~~

~~(12)~~(13) "Microdermabrasion," a gentle, progressive, superficial, and mechanical exfoliation of the uppermost layers of the epidermis using a closed-loop vacuum system;

(14) "Nail technician," ~~any person who, for compensation, engages in the practice of~~ an individual who holds a nail technology~~, but not in other practices of cosmetology~~ license issued by the commission;

~~(13) "Natural hair braiding," any one or any combination of the practices set forth in § 36-15-1.1;~~

~~(14)~~(15) "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, basic esthetics, or advanced esthetics, or any combination of these practices; and

~~(15)~~(16) "School," any place, premise, or building that is licensed by the commission to provide education to students in the practice of cosmetology, nail technology, basic esthetics, or advanced 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 § 36-15-1.1 be AMENDED:

36-15-1.1. Any individual engaged solely in natural hair braiding is not required to possess a license from the commission.

~~Natural~~ For purposes of this section, "natural hair braiding" means a form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, or hair extensions into a variety of shapes, patterns, and textures and maintenance thereof, by hand or with clips, combs, hairpins, or thread.

Natural hair braiding includes the use of ~~topical agents such as~~ conditioners, gels, moisturizers, oils, pomades, ~~and~~ shampoos, and other topical agents.

Natural hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

Section 3. That § 36-15-2 be AMENDED:

36-15-2. ~~No person may engage in the practice of cosmetology unless the person is licensed by the commission. A person is engaged in the practice of cosmetology if that person,~~ A cosmetologist may, for compensation~~, a fee,~~ or any other valuable consideration, ~~engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance~~ engage only in the following practices for beautifying or cosmetic purposes:

(1) Hair care by styling, wrapping, arranging, braiding, twisting, weaving, extending, fusing, dressing, curling, waving, permanent waving, singeing, cleansing, shampooing, cutting, bleaching, setting, coloring, straightening, relaxing, fitting, massaging, ~~or~~ and similar work upon the hair, scalp, wigs, ~~or~~ and hairpieces of ~~a person~~ an individual;

(2) ~~Nail~~ The nail technology practices set forth in section 7 of this Act;

(3) ~~Esthetics~~The esthetics practices of:

(a) Using hands for cleansing, exfoliating, stimulating, and applying oils, creams, cosmetic preparations, makeup, facial treatments, body treatments, body wraps, antiseptics, scrubs, clays, lotions, masks, waxes, and other preparations for the noninvasive care of the skin;

(b) Extracting impactions and comedones from follicles using gloved fingers, cotton swabs, or comedone extractors, but excluding lancets or needles; and

(c) Grooming eyebrows and eyelashes; arching eyebrows by tweezing; applying artificial eyelash extensions with adhesive; and tinting eyebrows and eyelashes with dye intended for eyebrow and eyelash use; ~~or~~ and

(4) Removal of superfluous hair by nonpermanent means.

A cosmetologist may not treat medical disorders, engage in any practice that penetrates beyond the stratum corneum, or alter, cut, or damage living cells.

Section 4. That § 36-15-2.2 be AMENDED:

36-15-2.2. ~~No person may engage in the practice of esthetics unless the person is licensed by the commission. A person is engaged in the practice of esthetics if that person~~A basic esthetician may, for compensation~~, a fee,~~ or any other valuable consideration, ~~engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance~~ engage only in the following practices for beautifying or cosmetic purposes:

(1) ~~Beautifying, massaging, cleansing~~Using hands for cleansing, exfoliating, stimulating, ~~or~~ and applying oils, creams, cosmetic preparations, ~~make-up~~ makeup, facial treatments, body treatments, body wraps, antiseptics, scrubs, clays, lotions, masks, waxes, ~~or~~ and other preparations for the noninvasive care of the skin~~. For purposes of this subdivision, noninvasive means confined to the nonliving cells of the stratum corneum of the epidermis. Such practices shall be in a superficial mode and not for the treatment of medical disorders, and living cells may never be altered, cut, or damaged~~;

(2) Using handheld vibration tools and rotating brushes for exfoliating;

(3) Extracting impactions and comedones from follicles using gloved fingers, cotton swabs, comedone extractors, or vacuum devices, but excluding lancets or needles;

(4) Grooming ~~or applying~~ eyebrows ~~or~~ and eyelashes~~, including~~; arching ~~and~~ eyebrows by tweezing; applying artificial eyelash extensions with adhesive; and tinting, lifting, and perming eyebrows and eyelashes, with dye intended for eyebrow and eyelash use; ~~or~~

~~(3)~~(5) Removing superfluous hair by nonpermanent means~~, including tweezing and waxing~~; and

(6) Dermaplaning using a guarded, disposable blade.

~~Esthetics~~ Basic esthetics does not include scalp treatments or scalp massage. A basic esthetician may not treat medical disorders, engage in any practice that penetrates beyond the stratum corneum, or alter, cut, or damage living cells.

Section 5. That § 36-15-2.3 be AMENDED:

36-15-2.3. ~~Any person desiring to practice esthetics in this state as an esthetician shall apply to the commission to take the esthetics examination. The application shall:~~

~~(1) Contain the information required by § 36-15-15;~~

~~(2) Contain proof that the applicant is enrolled in or has completed the required hours of education, as established by rules pursuant to § 36-15-13, or equivalent credit hours in an approved and licensed cosmetology or esthetics school or in lieu of such education, is enrolled or has successfully completed a course of apprenticeship in a licensed cosmetology or esthetics salon as provided for in this chapter; and~~

~~(3) Be accompanied by the fee required in this chapter~~In addition to the practices authorized in § 36-15-2.2, a basic esthetician may perform chemical exfoliation or electric energy treatments, if the esthetician submits documentation to the commission of having completed the education and training required by the commission, as provided in § 36-15-13.2, for those services.

Upon verifying that the basic esthetician has completed the required education and training for the applicable service, the commission shall issue a certificate of completion to the basic esthetician. The basic esthetician shall display the certificate of completion in public view at the esthetician's salon or booth.

A basic esthetician performing the services authorized in this section may not penetrate beyond the stratum corneum; alter, cut, or damage living cells; or perform the service for treatment of a medical disorder.

Section 6. That a NEW SECTION be added to chapter 36-15:

In addition to the practices authorized in § 36-15-2.2 for a basic esthetician, an advanced esthetician may, for compensation or any other valuable consideration, engage in any of the following practices for beautifying or cosmetic purposes:

(1) Chemical exfoliation;

(2) Dermaplaning;

(3) Electrical energy treatments;

(4) Microdermabrasion;

(5) Microneedling;

(6) Extracting impactions and comedones from follicles using lancets or needles;

(7) Applying eyelash extensions using ultraviolent light; and

(8) Lymphatic drainage.

An advanced esthetician may use a machine to perform the services authorized in this section, provide the machine is professional grade and approved by the commission.

An advanced esthetician performing the services authorized in this section may not penetrate beyond the stratum corneum; alter, cut, or damage living cells; or perform the service for treatment of a medical disorder.

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

A nail technician may, for compensation or any other valuable consideration, engage only in the following practices for beautifying or cosmetic purposes:

(1) Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, air-brushing, decorating, cleansing, and otherwise beautifying an individual's fingernails and toenails;

(2) Applying and removing artificial nails; and

(3) Massaging, cleansing, and exfoliating a person's hands, arms, feet, and legs.

A nail technician may not engage in hair removal, cutting nail beds, treating corns or calluses, or any medical treatment involving the feet, hands, or nails.

Section 8. That § 36-15-3 be AMENDED:

36-15-3. The Cosmetology Commission shall perform all functions exercised by the former State Board of Cosmetology. The ~~Cosmetology Commission~~ commission consists of five members ~~to be~~ appointed by the Governor for a term of three years. No member may serve more than three consecutive full terms. ~~However,~~ An appointment to fill an unexpired term is not considered a complete term for this purpose. Not all of the members may be of the same political party. ~~Three members shall be currently licensed as cosmetologists in this state at the time of their appointment. Two members shall be lay people. The Governor may stagger the terms to enable the commission to have different terms expire each year. Any member appointed to the commission prior to July 1, 2005, shall serve the four-year term to which the member was originally appointed. Any member appointed to the commission after July 1, 2005, shall serve a three-year term.~~ Each member of the commission shall take the oath of office as provided by law for public officials.

Section 9. That § 36-15-4 be AMENDED:

36-15-4. ~~Each professional member of the~~ The commission ~~shall be~~ consists of:

(1) ~~A resident~~ Three members who:

(a) Are residents of this state;

~~(2)~~(b) ~~At~~ Are at least twenty-five years of age;

~~(3)~~(c) ~~Actively~~ Have been actively engaged in the practice of cosmetology, nail technology, basic esthetics, or advanced esthetics, for the three years immediately preceding the appointment; and

~~(4)~~(d) ~~Currently~~ Are licensed ~~as a cosmetologist~~ to practice cosmetology, nail technology, basic esthetics, or advanced esthetics in this state at the time of the appointment and while serving on the commission; and

(2) Two lay members who are users of the services regulated by the commission and are not licensed by the commission.

No member of the commission may be a member of ~~or~~, be affiliated with, or have an interest in, any school while in office.

Section 10. That § 36-15-13 be AMENDED:

36-15-13. The commission ~~may~~ shall promulgate rules, in accordance with chapter 1-26, pertaining to ~~the following~~:

(1) Application requirements for any license or permit, as provided for in this chapter;

(2) ~~Examination~~ Examinations and associated fees;

(3) Reports of a student's education and work performed;

(4) Minimum standards and requirements for a cosmetology, nail technology, ~~and~~ basic esthetics, and advanced esthetics salon and school;

(5) Minimum standards for plumbing, electrical, physical, and sanitary conditions for the health and safety of an individual utilizing a cosmetology, nail technology, ~~or~~ basic esthetics, and advanced esthetics salon ~~or~~ and school;

(6) The professional conduct of a licensee;

(7) The reinstatement of a lapsed license and lapsed renewal, as provided for in § 36-15-20.1;

(8) The fee for a lapsed license and lapsed renewal, as provided for in § 36-15-20.1;

(9) The course and education requirements received by a transfer student, as provided for in § 36-15-34;

(10) The textbooks, educational material, and the general course of study for a school and for a cosmetology salon and nail salon having an apprentice, as provided for in § 36-15-46;

(11) The progress and education received by an apprentice, as provided for in § 36-15-48;

(12) The fees for all inspections, licenses, permits, and renewals;

(13) Minimum standards for the use of chemicals or any mechanical or electrical apparatus or appliance;

(14) Amount of work experience ~~of~~ that an out-of-state licensed applicant ~~that~~ may ~~be used~~ use as a substitute for the education requirement~~, as provided for in §§ 36-15-2.3, 36-15-17, and 36-15-17.1~~ for licensure;

(15) Inspection and reinspection of an individual licensee, salon, and school;

(16) Inspection requested by a prospective salon or booth; and

(17) Administration and duties of the commission; ~~and~~

~~(18) Minimum hours of education for esthetics licensing~~.

Section 11. That § 36-15-13.2 be AMENDED:

36-15-13.2. The commission ~~may~~ shall adopt rules pursuant to chapter 1-26 pertaining to ~~continuing~~ education ~~for licensees on health issues,~~ and training for:

(1) Health and safety issues~~, and services~~;

(2) Services that require the use of chemicals or electrical or mechanical apparatus; and

(3) Chemical exfoliation and electric energy treatments for basic estheticians.

The commission ~~may~~ shall provide, by rule promulgated pursuant to chapter 1-26, the kinds and subjects of education and the number of hours of education required. The commission may also substitute experience in addition to or in lieu of educational requirements. The commission may waive any of the education requirement in case of certified illness or undue hardship. The commission ~~may~~ shall establish a fee by rules adopted pursuant to chapter 1-26 to cover the cost of verifying the required ~~continuing~~ education and training. The commission may offer a course and charge a registration fee to cover the costs.

Section 12. That § 36-15-14 be AMENDED:

36-15-14. The commission, any state or local board of health, or any officer or employee thereof, may ~~enter,~~ during ~~the~~ business hours, enter any salon or school

licensed under the provisions of this chapter, and any other place where ~~the practice of~~ cosmetology, nail technology, basic esthetics, or advanced esthetics is ~~followed,~~ practiced~~,~~ or taught, for the purpose of inspection and enforcement of this chapter and the rules adopted pursuant to this chapter.

Section 13. That § 36-15-16 be AMENDED:

36-15-16. This chapter does not apply to services rendered by regularly licensed physicians, physician assistants, nurses, podiatrists, chiropractors, physical therapists, occupational therapists, morticians, or barbers, ~~or licensed demonstrators~~ when exclusively engaged in the practice of their respective professions.

Section 14. That § 36-15-17 be AMENDED:

36-15-17. Any ~~person desiring to practice cosmetology~~ individual seeking a cosmetology license in this state ~~as a cosmetologist shall make application to the commission to take the examination. The application shall~~ must:

(1) ~~Contain the information required pursuant to § 36-15-15~~Be eighteen years of age or older;

(2) ~~Contain information~~ File an application with the commission;

(3) Present evidence satisfactory to the commission that the applicant is enrolled in or has completed fifteen hundred hours of education or equivalent credit hours in an approved and licensed cosmetology school, or in lieu of such education, is enrolled in or has successfully completed a course of apprenticeship in a licensed cosmetology salon as provided for in this chapter; ~~and~~

~~(3)~~(4) ~~Be accompanied by~~ Submit the fee required in this chapter; and

(5) Pass the cosmetology examination required by the commission, as provided in § 36-15-19.

The commission may grant a cosmetology license to an individual who meets the requirements of this section.

A cosmetology license expires annually on a date set by the commission in rules promulgated in accordance with chapter 1-26 and may be renewed upon payment of the renewal fee required in this chapter.

Section 15. That § 36-15-17.1 be AMENDED:

36-15-17.1. Any ~~person desiring to practice~~ individual seeking a nail technology license in this state ~~as a nail technician shall apply to the commission to take the nail technician examination. The application shall~~ must:

(1) ~~Contain the information required by § 36-15-15~~Be eighteen years of age or older;

(2) ~~Contain proof~~ File an application with the commission;

(3) Present evidence satisfactory to the commission that the applicant is enrolled in or has completed four hundred hours of education or equivalent credit hours in an approved and licensed cosmetology or nail school or, in lieu of such education, is enrolled in or has successfully completed a course of apprenticeship in a licensed cosmetology salon or nail salon, as provided in § 36-15-45; ~~and~~

~~(3)~~(4) ~~Be accompanied by~~ Submit the fee required in this chapter; and

(5) Pass the nail technology examination required by the commission, as provided in § 36-15-19.

The commission may grant a nail technology license to an individual who meets the requirements of this section.

A nail technology license expires annually on a date set by the commission in rules promulgated in accordance with chapter 1-26 and may be renewed upon payment of the renewal fee required in this chapter.

Section 16. That a NEW SECTION be added to chapter 36-15:

Any individual seeking a basic esthetics license in this state must:

(1) Be eighteen years of age or older;

(2) File an application with the commission;

(3) Present evidence satisfactory to the commission that the applicant is enrolled in or has completed six hundred hours of education, or equivalent credit hours, in basic esthetics at an approved and licensed cosmetology or basic esthetics school;

(4) Submit the fee required in this chapter; and

(5) Pass the basic esthetics examination required by the commission, as provided in § 36-15-19.

The commission may grant a basic esthetics license to an individual who meets the requirements of this section.

A basic esthetics license expires annually on a date set by the commission in rules promulgated in accordance with chapter 1-26 and may be renewed upon payment of the renewal fee required in this chapter.

Section 17. That a NEW SECTION be added to chapter 36-15:

Any individual seeking an advanced esthetics license in this state must:

(1) Be eighteen years of age or older;

(2) Possess a basic esthetics license issued by the commission;

(3) File an application with the commission;

(4) Except as provided in section 18 of this Act, present evidence satisfactory to the commission that the applicant is enrolled in or has completed four hundred hours of education, or equivalent credit hours, in advanced esthetics at an approved and licensed advanced esthetics school;

(5) Submit the fee required in this chapter;

(6) Pass the advanced esthetics examination required by the commission, as provided in § 36-15-19; and

(7) Submit documentation of a certification for a service, product, or device, as required by the commission in rules promulgated in accordance with chapter 1-26.

The commission may grant an advanced esthetics license to an individual who meets the requirements of this section. An advanced esthetics license supersedes a basic esthetics license.

An advanced esthetics license expires annually on a date set by the commission in rules promulgated in accordance with chapter 1-26 and may be renewed upon payment of the renewal fee required in this chapter.

Section 18. That a NEW SECTION be added to chapter 36-15:

An esthetician license issued by the commission before January 1, 2027, becomes a basic esthetics license on January 1, 2027.

An individual who possesses an esthetician license issued by the commission before January 1, 2027, may apply for an advanced esthetics license without completing the four hundred hours of education required by subdivision (4) of section 17 of this Act if the individual:

(1) Submits documentation, to the satisfaction of the commission, that the individual has adequate training, work experience, and competence to safely perform advanced esthetics; and

(2) Otherwise meets the requirements of section 17 of this Act.

The commission may require an applicant under this section to complete additional education or training as a condition of licensure.

Section 19. That § 36-15-19 be AMENDED:

36-15-19. The commission shall conduct, each year, at least six examinations in the practice of cosmetology, ~~at least~~ two examinations in the practice of nail technology, ~~and at least~~ two examinations in the practice of basic esthetics ~~each year~~, and two examinations in the practice of advanced esthetics.

The commission shall determine the contents of each examination. The commission shall set the times and places for the ~~conduct of the examination~~ examinations.

Section 20. That § 36-15-19.2 be AMENDED:

36-15-19.2. The commission may waive the examination required ~~in § 36-15-19.1, 36-15-19.3, or in 36-15-19.5~~ for a cosmetology, nail technology, basic esthetics, or advanced esthetics license upon application made to the commission that the applicant ~~possesses the qualifications required pursuant to § 36-15-15, and that~~:

(1) ~~The applicant holds~~ Holds a currently valid license issued by another state, district, or foreign country, and the requirements of that state, district, or foreign country at the time of the examination were equal to or not less than those required by this state;

(2) ~~The applicant has~~ Has passed an examination acceptable to the commission in cosmetology, nail technology, ~~or~~ basic esthetics, or advanced esthetics, as applicable;

(3) ~~The applicant shall take the prescribed~~ Has taken a written examination, prescribed by the commission, on the provisions of this chapter and rules adopted pursuant to this chapter~~. The commission shall determine the contents of the examination~~; and

(4) ~~The application is accompanied by~~ Has submitted the fee provided for in this chapter.

Section 21. That § 36-15-20 be AMENDED:

36-15-20. The ~~following~~ fees authorized in § 36-15-13 may not not exceed the amounts specified below:

(1) ~~Examination and~~ Cosmetology, nail technology, basic esthetics, or advanced esthetics initial license fee, one hundred twenty-five dollars;

(2) Examination retake fee, ninety dollars per examination;

(3) ~~Cosmetologist, nail technician, or esthetician~~ Cosmetology, nail technology, basic esthetics, or advanced esthetics license renewal fee, fifty dollars;

(4) Temporary ~~cosmetologist, nail technician, or esthetician~~ cosmetology, nail technology, basic esthetics, or advanced esthetics license or permit fee, six dollars;

(5) Instructor initial license fee and license renewal fee, fifty dollars;

(6) ~~Reciprocity, initial license, and waiver of examination fee~~License by reciprocity, one hundred twenty-five dollars;

(7) Fee for a certification of a license issued under this chapter for a South Dakota licensee to obtain licensure in another state, or furnishing of other ~~papers~~ documents to another state or school, forty dollars;

(8) Apprentice license fee, thirty dollars;

(9) Apprentice salon initial license and renewal fee, three hundred dollars;

(10) School initial license fee and renewal fee, three hundred fifty dollars;

(11) Student license fee, fifteen dollars;

(12) Salon or booth initial ~~permit~~ license fee, eighty dollars;

(13) Salon or booth license renewal fee, sixty dollars;

(14) Reinspection fee for failed salon, seventy-five dollars for each reinspection;

(15) License duplicate or replacement fee, fifteen dollars; and

(16) Fee for the inspection of a prospective salon or booth at the request of the prospective applicant, seventy-five dollars per inspection.

Any license, permit, or renewal fee collected by the commission is the same for each respective license, permit, or renewal, regardless of the time remaining before the expiration date.

Section 22. That § 36-15-22 be AMENDED:

36-15-22. Any ~~person~~ individual who holds a ~~current valid~~ license from another state or foreign country in the practices of cosmetology, nail technology, basic esthetics, or advanced esthetics may apply to the commission for a temporary permit to practice cosmetology, nail technology, basic esthetics, or advanced esthetics, as applicable.

The application ~~shall~~ must be accompanied ~~with evidence~~ by:

(1) Evidence satisfactory to the commission that the applicant possesses ~~those~~ the qualifications required ~~pursuant to §§ 36-15-15 and~~ by 36-15-19.2~~. The application shall be accompanied by the~~; and

(2) The fee required in this chapter.

A temporary permit is valid until the date of the next ~~regular~~ scheduled examination in cosmetology, nail technology, basic esthetics, or advanced esthetics, as applicable. If the holder of a temporary permit takes the examination at the scheduled time, the commission ~~shall~~ must extend the temporary permit until the result of the examination is mailed to the applicant. If an applicant is not excused from the examination by the commission or fails the examination, the temporary permit is invalid and may not be extended or reissued.

Section 23. That § 36-15-25 be AMENDED:

36-15-25. No ~~person~~ individual may teach in a school or an apprentice salon unless that ~~person~~ individual 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~~ To obtain an instructor license, an individual must submit an application to the commission 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~~Possesses a cosmetology, nail technology, basic esthetics, or advanced esthetics license;

~~(3)~~(2) 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, basic esthetics, or advanced esthetics, as applicable; and

~~(4)~~(3) Has passed an examination prescribed by the commission.

~~However, the~~ The applicant may receive the instructor 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~~ cosmetology license may instruct in ~~any practice~~ the practices of cosmetology and nail technology. An instructor with a nail ~~technician~~ technology license may ~~only~~ instruct only in the practice of nail technology. ~~An~~ Except as otherwise provided in this section, an instructor with ~~an esthetician~~ a basic esthetics license may ~~only~~ instruct only in the practice of basic esthetics. An instructor with an advanced esthetics license may instruct in the practice of basic esthetics and advanced esthetics.

An instructor with a basic esthetics license may instruct in the practice of advanced esthetics, if determined by the commission to hold adequate training, work experience, and competence to safely instruct in the practice of advanced esthetics.

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

Section 24. That § 36-15-29 be AMENDED:

36-15-29. No ~~person may conduct a~~ cosmetology, nail technology, basic esthetics, or advanced esthetics school ~~for any of the practices of cosmetology, as applicable,~~ may be operated unless ~~that person is~~ licensed as a school by the commission. The commission shall issue the license if the ~~applicant meets the following requirements~~ person:

(1) ~~The applicant completes the application and provides any required documentation~~ Submits an application prescribed by the commission;

(2) ~~The application is accompanied by~~ Submits the fee required in this chapter;

(3) ~~The applicant has~~ Has no violations with another cosmetology board;

(4) ~~The~~ Demonstrates that the education offered is a complete program of not less than ~~fifteen~~:

(a) One thousand five hundred hours for a cosmetology program ~~or a complete program of not less than four~~;

(b) Four hundred hours for a nail ~~technician~~ technology program ~~or a complete program of not less than the hours established by rules pursuant to § 36-15-13 for an esthetician license or the respective equivalent credit hours~~;

(c) Six hundred hours for a basic esthetics program; and

(d) Four hundred hours for an advanced esthetics program; and

(5) ~~The applicant meets~~ Meets all requirements established by the commission through rules ~~adopted~~ promulgated pursuant to ~~this~~ chapter 1-26.

Section 25. That § 36-15-29.1 be AMENDED:

36-15-29.1. ~~The license issued pursuant to § 36-15-29 authorizes the cosmetology, nail technology, or esthetics school holding a license to transact a school in this state~~ A school may be operated only on the premises approved by the commission, subject to the rules of the commission.

~~The~~ A school license is not transferable to any other person. If the holder of the school license proposes to conduct a complete or partial education program on premises

other than those ~~licensed~~ approved by the commission, the ~~licensee shall~~ holder must obtain ~~an additional~~ a separate license for the ~~newly~~ proposed premises ~~as a school~~ pursuant to § 36-15-29 or pursuant to § 36-15-29.3, as applicable.

~~However, the~~ The commission may approve limited field trips supervised by instructors.

Section 26. That § 36-15-29.3 be AMENDED:

36-15-29.3. ~~No~~ A school may conduct an education program at ~~a~~ separate ~~school~~ premises ~~unless the school~~, not under the school's full license issued in accordance with § 36-15-29, if the premises ~~is~~ are licensed by the commission as a branch school. The commission ~~shall~~ may issue a license for a branch school if the applicant ~~meets the following requirements~~:

(1) ~~The applicant holds~~ Holds a school license under § 36-15-29 for an educational program that is accredited by a nationally recognized accrediting agency approved by the commission;

(2) ~~The applicant completes~~ Submits the application and provides any documentation required ~~documentation~~ by the commission;

(3) ~~The application is accompanied by~~ Submits the fee required in this chapter;

(4) ~~The applicant has~~ Has had no violations with another cosmetology board;

(5) ~~The~~ Demonstrates that the branch school ~~offers~~ will offer at least twenty-five percent of the required hours for cosmetology ~~education~~, nail technology ~~education~~, basic esthetics, or advanced esthetics education or equivalent credit hours; and

(6) ~~The applicant meets~~ Meets all requirements established by rules adopted pursuant to this chapter.

Section 27. That § 36-15-33 be AMENDED:

36-15-33. Any ~~person entering or~~ individual enrolling in a ~~licensed~~ school ~~for education in the practice of cosmetology, nail technology, or esthetics~~ shall apply to the commission for a student license within ten days after the date of enrollment. ~~The~~ An applicant for a student license ~~shall be~~ must:

(1) Be at least seventeen years of age~~. The application shall contain the information required pursuant to § 36-15-15 and~~;

(2) Submit the name and location of the school being attended; and

(3) Submit the fee as required in this chapter.

~~Upon receipt of the application and the fee provided for in this chapter, the~~ The commission shall issue ~~to the applicant~~ a student license ~~which~~ to an applicant who meets the requirements of this section.

A student license entitles the student to complete the course of education in which the student is enrolled without additional license fees. If the student withdraws from the school or course ~~in cosmetology, nail technology, or esthetics~~ for which the fee was paid and later enrolls in the same or a different school or course, the student ~~shall~~ must pay the student license fee again. If ~~at any time~~ a student transfers ~~schools~~ to a different school, the student ~~shall~~ must submit ~~an~~ the application required by this section, and pay the ~~applicable~~ student license fee~~, for a student license~~ again.

Section 28. That § 36-15-34 be AMENDED:

36-15-34. Any ~~person~~ individual who ~~wishes~~ seeks to transfer from an out-of-state school of cosmetology, nail technology, basic esthetics, or advanced esthetics, to a ~~licensed~~ school in this state, for the purpose of meeting the licensure requirements of ~~the state for commission examination in cosmetology, nail technology, or esthetics~~ this chapter, shall apply for a student license pursuant to § 36-15-33. The commission ~~may~~ shall adopt rules pursuant to chapter 1-26, ~~establishing~~ to establish requirements ~~relating to~~ for the transfer of courses and ~~education received by such transfer students~~ credit hours from an out-of-state school. ~~Transfer students shall~~ A transfer student must be given South Dakota credit hours for ~~their~~ out-of-state education as determined ~~and allowed~~ by the commission.

Section 29. That § 36-15-42 be AMENDED:

36-15-42. ~~A person~~ An individual may receive apprenticeship education in cosmetology~~, esthetics,~~ and nail technology~~. However, no person may receive apprenticeship education unless that person~~, if the individual is licensed as an apprentice. ~~Any person may apply to the commission to be licensed as~~ The commission may grant an apprentice ~~if the applicant~~ license to an individual who:

(1) Submits ~~evidence satisfactory~~ an application and the fee required in this chapter to the commission ~~that the applicant possesses those qualifications, except for age, required pursuant to § 36-15-15~~;

(2) Is at least seventeen years of age or older; and

(3) ~~The~~ Provides evidence to the commission that the cosmetology~~, esthetics,~~ or nail salon in which the apprentice will receive education is currently licensed as an

apprentice salon~~ and is adequately equipped to teach the profession of cosmetology, esthetics, or nail technology, as applicable~~.

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

Section 30. That § 36-15-45 be AMENDED:

36-15-45. ~~A licensed~~ To complete an apprenticeship and apply for a temporary license in accordance with § 36-15-50, an apprentice~~ in cosmetology shall~~ must receive education in the~~ practice of cosmetology as required by this chapter in the same cosmetology~~ same salon for~~ fifteen~~:

(1) One thousand five hundred~~ consecutive~~ hours~~. A licensed apprentice in esthetics shall receive education in the practice of esthetics as required by this chapter for six hundred consecutive hours. A licensed apprentice in nail technology shall receive education in the practice of nail technology as required by this chapter for four~~ for cosmetology; or

(2) Four hundred~~ consecutive~~ hours~~ in the same cosmetology salon or nail salon~~ for nail technology.

The commission may permit an apprentice to transfer to another cosmetology~~, esthetics,~~ or nail salon, as applicable, for completion of the apprenticeship if the apprentice applies for the transfer in writing to the commission and shows good cause for the request. The commission may permit a break in the consecutive period of the apprenticeship if the apprentice applies for the break in writing to the commission and shows good cause for the request. The commission shall define good cause by rules promulgated pursuant to chapter 1-26.

Section 31. That § 36-15-47 be AMENDED:

36-15-47. ~~Any~~ An apprentice~~ licensed pursuant to this chapter~~ may practice cosmetology or nail technology only if~~ the~~:

(1) The practice is performed~~ only~~ in a cosmetology~~, esthetics,~~ or nail salon, as applicable, licensed pursuant to this chapter;~~ the~~

(2) The apprentice is under the constant supervision, control, and direction of~~ a licensed~~ an instructor~~ at all times~~; and~~ the~~

(3) The apprentice is ~~actually~~ engaged in the study and practice of cosmetology~~,~~ ~~esthetics,~~ or nail technology at least forty hours a week, except as otherwise provided in this section.

~~At the election of the apprentice, the~~ An apprentice may choose to complete 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 32. That § 36-15-47.1 be AMENDED:

36-15-47.1. ~~Only an instructor licensed under this chapter may teach an apprentice in any of the practices of cosmetology.~~The instructor, the salon, or ~~anyone~~ any other person connected with the apprenticeship may not charge, receive, or accept any fee or anything of value except services for the education.

Section 33. That § 36-15-48.1 be AMENDED:

36-15-48.1. ~~A licensed~~ An 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 34. That § 36-15-50 be AMENDED:

36-15-50. ~~Any person who successfully~~ An apprentice who completes the term of an apprenticeship pursuant to this chapter may apply to the commission for a temporary license ~~which will authorize~~ that authorizes the applicant to perform ~~all~~ the practices of a ~~regularly licensed~~ cosmetologist~~, esthetician,~~ or nail technician, as applicable. The temporary license application ~~shall~~ must be accompanied ~~with~~ by:

(1) ~~Evidence satisfactory to the commission that the applicant possesses the qualifications required pursuant to § 36-15-15;~~

~~(2)~~ Evidence satisfactory to the commission that the apprenticeship period has been completed;

~~(3)~~(2) The fee for a temporary license, as provided for in this chapter; and

~~(4)~~(3) The application and fee for ~~the cosmetologist or nail technician examination~~ a full cosmetology or nail technology license, as applicable.

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

Section 35. That § 36-15-50.1 be AMENDED:

36-15-50.1. Any ~~person~~ individual who ~~successfully~~ completes a course of education ~~in an approved and licensed~~ at a school in this state, or ~~in~~ at any other licensed cosmetology, nail technology, basic esthetics, or advanced esthetics school~~, as applicable~~, not located within this state ~~that~~, which is shown to the satisfaction of the commission to be comparable, may apply to the commission for a temporary license ~~which will authorize~~ that authorizes the applicant to perform all the practices of a ~~regularly licensed~~ cosmetologist, nail technician, basic esthetician, or advanced esthetician, as applicable. The application ~~shall~~ must be accompanied by:

(1) Evidence satisfactory to the commission that the course of education has been successfully completed;

(2) The fee for a temporary license, as provided for in this chapter; and

(3) The application and fee for a cosmetologist, nail technician, or esthetician examination, as applicable.

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

Section 36. That § 36-15-51 be AMENDED:

36-15-51. No person may operate a salon or booth without ~~a license. Any person who desires to operate a salon or booth where~~ one of the following licenses from the commission:

(1) ~~All of the practices of cosmetology are provided shall apply to the commission for a cosmetology salon or booth license, as applicable;~~

~~(2) Only nail technology is practiced, shall apply to the commission for a~~ A nail salon or booth license, as applicable, if only nail technology is to be practiced;

~~(3)~~(2) ~~Only esthetics is practiced, shall apply to the commission for an~~ A basic esthetics salon or booth license, as applicable, if only basic esthetics is to be practiced;

(3) An advanced esthetics salon or booth license, as applicable, if advanced esthetics is to be practiced; or

(4) ~~Cosmetology is limited to one or a few of the practices specified in § 36-15-2, shall apply to the commission for a limited salon or booth license. The application for a limited license shall state the practices of cosmetology desired to be provided~~A cosmetology salon or booth license, as applicable, for any other practice of cosmetology.

A person seeking a license to operate a salon or booth shall file an application with the commission. The application ~~shall~~ must be accompanied by the license fee provided for in this chapter. Any salon or booth license expires ~~annually~~ on a date set by the commission in rules promulgated pursuant to chapter 1-26, and is renewable annually. ~~No person may practice cosmetology, nail technology, or esthetics beyond the limits specified in the license. A violation of this section is a Class 2 misdemeanor.~~

Section 37. That § 36-15-51.3 be AMENDED:

36-15-51.3. A person who operates a licensed salon may allow more than one ~~licensed~~ cosmetologist, ~~licensed~~ basic esthetician, advanced esthetician, or ~~licensed~~ nail technician to share a work station or other space within the salon, provided that:

(1) Each individual maintains the minimum equipment and sanitary requirements set forth by the commission;

(2) The individuals sharing the work station or space do not provide services at the work station or in the shared space at the same time; and

(3) If the individuals share a work station or other space within a booth, each individual possesses a booth license for the respective services that the individual will provide.

Nothing in this section prohibits individuals sharing a work station or other space within a salon from sharing equipment, provided that the equipment meets the minimum standards set forth by the commission.

If individuals are sharing a work station or other space within a salon in accordance with this section, the commission may not require additional working space other than that required for a single licensee.

If the commission finds, upon inspection, a violation of any provision of this chapter or rules promulgated thereunder, and the commission cannot determine which individual sharing the work station or other space committed the violation, the person operating the licensed salon is responsible for the violation.

Section 38. That § 36-15-54 be AMENDED:

36-15-54. Cosmetology, nail technology, basic esthetics, and advanced esthetics may ~~only~~ be practiced only in a licensed salon or booth, ~~notwithstanding the following exceptions~~ except for:

(1) ~~Demonstrations: a~~ Services by a demonstrator ~~may perform a demonstration of cosmetology services for compensation, fee, or any other remuneration~~;

(2) ~~Limited mobility~~ Services provided to clients~~: a licensee may practice cosmetology services on persons~~ who are unable to come to the salon because of imprisonment, disabling sickness, or other disability, so long as the licensee documents the service through a salon or booth; and

(3) ~~Special events: a licensee may practice limited services within the scope of the license for special events, such as~~ The following services provided at weddings, fashion shows, school dances, professional photography sessions, or other events approved by the commission, so long as the licensee documents the service through a salon or booth~~. The limited services that may be performed at such special events are the following: the nonpermanent manipulation of the hair, such as styling~~:

(a) Styling, wrapping, arranging, braiding, twisting, weaving, extending, fusing, dressing, curling, setting, and straightening hair; ~~the~~

(b) The application of nail polish to the nails; and ~~the~~

(c) The application of makeup to the skin.

Section 39. That § 36-15-56 be AMENDED:

36-15-56. The grounds for disciplinary action are:

(1) Fraud or deception in procuring a license or permit required by this chapter;

(2) Failure of any person to comply with any of the requirements of this chapter or rules adopted pursuant to this chapter;

(3) Publication or use of any untruthful or improper statement or representation, with ~~a view~~ the intent of deceiving the public, or any patron or customer, in connection with the practice of or education in cosmetology, nail technology, basic esthetics, or advanced esthetics;

(4) Habitual drunkenness or drug addiction affecting the licensee's practice of the profession, or conviction of a violation of any federal or state law relating to narcotic drugs;

(5) Failure to furnish to the commission~~,~~ any report or information ~~which~~ that is required by this chapter or rules adopted pursuant to this chapter;

(6) The employment of any unlicensed ~~person~~ individual to perform ~~work which under this chapter can lawfully be done only by licensed persons~~ services that require a license under this chapter;

(7) Failure to publicly display any license or certification required by this chapter;

(8) Willfully making any false oath or affirmation whenever any oath or affirmation is required in this chapter or by rules adopted pursuant to this chapter;

(9) Conviction of a felony affecting the licensee's practice of the profession, as shown by a certified copy of the record of the court of conviction;

(10) Continued practice by ~~persons~~ an individual knowingly having an infectious or contagious disease; and

(11) Practice of any ~~cosmetology~~ services for which the commission requires additional ~~continuing~~ education or training when the education or training has not been completed.

Section 40. That § 36-15-60 be AMENDED:

36-15-60. No person may:

(1) Practice cosmetology, nail technology, basic esthetics, or advanced esthetics without a license;

(2) Intentionally make any false oath or affirmation whenever an oath or affirmation is required by this chapter or rules promulgated to this chapter;

(3) Fail to display any license in a conspicuous place in the salon, booth, or school;

(4) Fail to comply with the plumbing, electrical, physical, or sanitary requirements as stated in the rules promulgated by the commission;

(5) Charge or receive compensation for teaching an apprentice ~~any of the practices of cosmetology~~;

(6) Operate a school without a license as provided for in this chapter;

(7) Employ or allow any unlicensed person to perform ~~work which under this chapter may lawfully be done only by licensed persons~~ services that require a license under this chapter;

(8) Operate a salon, booth, or school ~~for any of the practices of cosmetology~~ without having first obtained the applicable license as provided in this chapter;

(9) Practice any ~~cosmetology~~ services for which the commission requires additional ~~continuing~~ education ~~in which~~ or training when the education or training has not been completed; ~~and~~ or

(10) Do any act prohibited by this chapter.

A violation of this section is a Class 2 misdemeanor.

Section 41. That § 36-15-61 be AMENDED:

36-15-61. The commission or any resident of this state may bring an action in circuit court for an injunction to:

(1) Restrain any person ~~or corporation~~ from the practice of or education in cosmetology, nail technology, basic esthetics, or advanced esthetics, without a valid license;

(2) Restrain the operation of any salon or school without a valid license;

(3) Restrain ~~the~~ any violation of ~~any of the provisions or requirements of~~ this chapter or rules adopted pursuant to this chapter.

The commission may employ counsel and expend moneys from its treasury for ~~such~~ these purposes.

Section 42. That § 36-15-2.3 be REPEALED.

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

~~(1) Contain the information required by § 36-15-15;~~

~~(2) Contain proof that the applicant is enrolled in or has completed the required hours of education, as established by rules pursuant to § 36-15-13, or equivalent credit hours in an approved and licensed cosmetology or esthetics school or in lieu of such education, is enrolled or has successfully completed a course of apprenticeship in a licensed cosmetology or esthetics salon as provided for in this chapter; and~~

~~(3) Be accompanied by the fee required in this chapter.~~

Section 43. That § 36-15-2.4 be REPEALED.

~~Any license or permit issued under this chapter or any license issued under prior law may be renewed for periods of one year, but in any event expiring on the renewal date as established by the commission. The commission shall, by rules promulgated pursuant to chapter 1-26, establish the renewal date for any licenses or permits issued under this chapter.~~

Section 44. That § 36-15-4.1 be REPEALED.

~~The membership of the Cosmetology Commission shall include two lay persons who are users of the services regulated by the commission. The term lay persons who are users refers to persons who are not licensed by the commission but where practical use the services licensed, and the meaning shall be liberally construed to implement the purpose of this section. The lay members shall be appointed by the Governor and shall have the same terms of office as other members of the commission.~~

Section 45. That § 36-15-15 be REPEALED.

~~An applicant for any license or permit shall first submit evidence, satisfactory to the commission that the applicant:~~

~~(1) Is at least eighteen years of age or older, except as otherwise provided in this chapter; and~~

~~(2) Has complied with all the rules adopted by the commission as to the qualifications, standards, and requirements required for the license and application.~~

Section 46. That § 36-15-16.1 be REPEALED.

~~Any person engaging solely in natural hair braiding as set forth in § 36-15-1.1 is exempt from the provisions of this chapter.~~

Section 47. That § 36-15-17.2 be REPEALED.

~~No person may engage in the practice of nail technology unless the person is licensed by the commission. A person is engaged in the practice of nail technology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:~~

~~(1) Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, air-brushing, decorating, cleansing, or otherwise beautifying a person's fingernails or toenails;~~

~~(2) Applying and removing artificial nails; or~~

~~(3) Massaging, cleansing, and exfoliating a person's hands, arms, feet, and legs.~~

~~Nail technology does not include hair removal, cutting nail beds, treating corns or calluses, or any medical treatment involving the feet, hands, or nails.~~

Section 48. That § 36-15-19.1 be REPEALED.

~~Each applicant for a cosmetologist license who has complied with § 36-15-17, shall take the prescribed examination in the practice of cosmetology. The commission shall determine the contents of the examination. Upon successful completion of the required education, passing the examination to the satisfaction of the commission and the receipt of the fee required in this chapter, the applicant shall be licensed as a cosmetologist in the practice of cosmetology. Any cosmetologist license issued by the commission pursuant to this chapter expires annually on a date set by the commission in rules promulgated pursuant to chapter 1-26, and is renewable annually.~~

Section 49. That § 36-15-19.3 be REPEALED.

~~Each applicant for a nail technician license who has complied with § 36-15-17.1 shall take the prescribed examination in the practice of nail technology. The commission shall determine the contents of the examination. Upon successful completion of the required education, passing the examination to the satisfaction of the commission and the receipt of the fee required in this chapter, the applicant shall be licensed as a nail technician. Any nail technician license issued by the commission pursuant to this chapter expires annually on a date set by the commission in rules promulgated pursuant to chapter 1-26, and is renewable annually.~~

Section 50. That § 36-15-19.5 be REPEALED.

~~Each applicant for an esthetician license who has complied with § 36-15-2.3 shall take the prescribed examination in the practice of esthetics. The commission shall determine the contents of the examination. Upon successful completion of the required education, passing the examination to the satisfaction of the commission and the receipt of the fee required in this chapter, the applicant shall be licensed as an esthetician in the~~

1 ~~practice of esthetics. Any esthetician license issued by the commission pursuant to this~~
2 ~~chapter expires annually on a date set by the commission in rules promulgated pursuant~~
3 ~~to chapter 1-26, and is renewable annually.~~

4 **Section 51.** This Act is effective beginning January 1, 2027.