



## 2026 South Dakota Legislature

# House Bill 1194

SENATE COMMERCE AND ENERGY ENGROSSED

Introduced by: **Representative Schwans**

1 **An Act to require that the Cosmetology Commission credit work experience for**  
 2 **educational hours for certain out-of-state licensure applicants and to declare**  
 3 **an emergency.**

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

5 **Section 1. That § 36-15-13 be AMENDED:**

6 **36-15-13.** The commission—~~may~~ shall promulgate rules, in accordance with  
 7 chapter 1-26, pertaining to the following:

- 8 (1) Application requirements for any license or permit, as provided for in this chapter;
- 9 (2) Examination and associated fees;
- 10 (3) Reports of a student's education and work performed;
- 11 (4) Minimum standards and requirements for a cosmetology, nail technology, and  
 12 esthetics salon and school;
- 13 (5) Minimum standards for plumbing, electrical, physical, and sanitary conditions for  
 14 the health and safety of an individual utilizing a cosmetology, nail technology, or  
 15 esthetics salon or school;
- 16 (6) The professional conduct of a licensee;
- 17 (7) The reinstatement of a lapsed license and lapsed renewal, as provided for in § 36-  
 18 15-20.1;
- 19 (8) The fee for a lapsed license and lapsed renewal, as provided for in § 36-15-20.1;
- 20 (9) The course and education requirements received by a transfer student, as provided  
 21 for in § 36-15-34;
- 22 (10) The textbooks, educational material, and the general course of study for a school  
 23 and for a cosmetology salon and nail salon having an apprentice, as provided for  
 24 in § 36-15-46;
- 25 (11) The progress and education received by an apprentice, as provided for in § 36-15-  
 26 48;

- 1 (12) The fees for all inspections, licenses, permits, and renewals;  
 2 (13) Minimum standards for the use of chemicals or any mechanical or electrical  
 3 apparatus or appliance;  
 4 (14) ~~Amount of work experience of an out-of-state licensed applicant that may be used~~  
 5 ~~as a substitute for the education requirement, as provided for in §§ 36-15-2.3, 36-~~  
 6 ~~15-17, and 36-15-17.1;~~  
 7 ~~(15)~~—Inspection and reinspection of an individual licensee, salon, and school;  
 8 ~~(16)~~(15) Inspection requested by a prospective salon or booth;  
 9 ~~(17)~~(16) Administration and duties of the commission; and  
 10 ~~(18)~~(17) Minimum hours of education for esthetics licensing.

11 **Section 2. That § 36-15-19.2 be AMENDED:**

12 **36-15-19.2.** The commission may waive the examination required in § 36-15-  
 13 19.1, 36-15-19.3, or ~~in 36-15-19.5 upon~~ for an individual who holds a license to engage  
 14 in the practices of cosmetology, from another state, district, territory, or foreign country,  
 15 if:

16 (1) The individual:

17 (a) Submits an application~~made to the commission that the applicant~~  
 18 possesses, accompanied by the fee provided for in this chapter;

19 (b) Possesses the qualifications required pursuant to § 36-15-15, and that:

20 ~~(1) The applicant holds a currently valid license issued by another state, district,~~  
 21 ~~or foreign country and the;~~

22 (c) Has passed an examination acceptable to the commission in cosmetology,  
 23 nail technology, or esthetics, as applicable; and

24 (d) Has passed a written examination, prescribed by the commission, on the  
 25 provisions of this chapter and rules adopted pursuant to this chapter; and

26 (2) The requirements of that state, district, or foreign country, at the time of the  
 27 examination required by subsection (c) of subdivision (1), were equal to or not less  
 28 than those required by this state;

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

31 ~~(3) The applicant shall take the prescribed written examination on the provisions of~~  
 32 ~~this chapter and rules adopted pursuant to this chapter. The commission shall~~  
 33 ~~determine the contents of the examination; and~~

1       ~~(4) The application is accompanied by the fee provided for in this chapter, except as~~  
2               provided in section 3 of this Act.

3       **Section 3. That a NEW SECTION be added to chapter 36-15:**

4               If an applicant licensed by another state, district, territory, or foreign country holds  
5               a cosmetology-related license that is not equivalent to a cosmetology, nail technology, or  
6               esthetics license in this state, the commission must allow credit for relevant work  
7               experience to apply toward the hours of education required for the cosmetology, nail  
8               technician, or esthetics license, as applicable.

9               The commission shall credit two hours of work experience in the applicable field as  
10              one hour of school education. Only work experience that occurred after the applicant was  
11              initially licensed may be credited. The work experience hours may not be credited for more  
12              than half of the hours of education required for the license.

13              The applicant shall submit documentation to the commission, in the form and  
14              manner required by the commission, demonstrating the relevant work experience. The  
15              commission may deny the issuance of a license, regardless of the amount of work  
16              experience submitted by the applicant, if the commission determines that the applicant is  
17              not competent for the applicable license.

18              If the applicant obtained the work experience more than five years before the date  
19              of application, the commission may require the applicant to take a commission-approved  
20              safety and infection control procedures course.

21       **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
22       health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force  
23       and effect from and after its passage and approval.