2026 South Dakota Legislature

House Bill 1194

AMENDMENT 1194E
FOR THE SENATE COMMERCE AND ENERGY ENGROSSED BILL

An Act to ~~require that~~ clarify authority for the Cosmetology Commission to credit work experience for educational hours for certain out-of-state licensure applicants ~~and to declare an emergency~~, and to require the commission to promulgate rules therefor.

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

Section 1. 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 and associated fees;

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

(4) Minimum standards and requirements for a cosmetology, nail technology, and 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 esthetics salon or 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;

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(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~~ an out-of-state licensed applicant ~~that may be used~~ may 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 a cosmetology, nail technician, or esthetics license;

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

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

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

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

Section 2. 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 ~~upon~~ for an individual who holds a license to engage in the practices of cosmetology, from another state, district, territory, or foreign country, if:

(1) The individual:

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

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

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

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

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

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

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

~~(3) The applicant shall take the prescribed written examination 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 the fee provided for in this chapter~~, except as otherwise provided in this section~~ 3 of this Act~~.

The commission may issue a license to an out-of-state applicant, who holds a cosmetology-related license that is not equivalent to a cosmetology, nail technology, or esthetics license in this state, if the applicant possesses sufficient work experience to qualify for enough work experience credit to compensate for any deficiency in education hours, as set forth in rules of the commission, and otherwise meets the requirements of this section. The work experience must be relevant to the license sought by the applicant.

Section 3. No later than September 1, 2026, the Cosmetology Commission shall, pursuant to chapter 1-26, provide for and file with the secretary of state, the amendment of § 20:42:03:06.01, as set forth below:

20:42:03:06.01. Applicant for licensure by reciprocity allowed credit for work experience. An applicant for licensure by reciprocity may be allowed credit for work experience as follows:

(1) Cosmetologist license~~:~~, a maximum of~~ 750~~ seven hundred fifty hours of the school education hours required in § 20:42:06:09 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience;

(2) Nail technician license~~:~~, a maximum of~~ 200~~ two hundred hours of the school education hours required in § 20:42:06:09.01 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience; and

(3) Esthetician license~~:~~, a maximum of~~ 300~~ three hundred hours of the school education hours required in § 20:42:06:09.02 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the

applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience.

If the applicant holds a cosmetology-related license that is not equivalent to a cosmetology, nail technology, or esthetics license in this state, the commission may allow credit for relevant work experience to apply toward the hours of education in the same manner as provided in this section for the applicable license sought by the applicant.

Source: 9 SDR 96, effective January 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 64, effective November 2, 1987; 24 SDR 2, effective July 23, 1997; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 39 SDR 129, effective January 28, 2013; 47 SDR 8, effective August 3, 2020.

General Authority: SDCL 36-15-13(14).

Law Implemented: SDCL 36-15-19.2.

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

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

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

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

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

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

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