



## 2026 South Dakota Legislature

# House Bill 1194

SENATE ENGROSSED

Introduced by: **Representative Schwans**

1 **An Act to clarify authority for the Cosmetology Commission to credit work**  
 2 **experience for educational hours for certain out-of-state licensure applicants,**  
 3 **and to require the commission to promulgate rules therefor.**

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 chapter 1-26,  
 7 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 may use as a substitute for the education requirement, ~~as provided for in §§ 36-~~  
 6 ~~15-2.3, 36-15-17, and 36-15-17.1~~ for a cosmetology, nail technician, or esthetics  
 7 license;  
 8 (15) Inspection and reinspection of an individual licensee, salon, and school;  
 9 (16) Inspection requested by a prospective salon or booth;  
 10 (17) Administration and duties of the commission; and  
 11 (18) Minimum hours of education for esthetics licensing.

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

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

17 (1) The individual:

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

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

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

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

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

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

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

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

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

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

9       **Section 3.** No later than September 1, 2026, the Cosmetology Commission shall, pursuant  
10       to chapter 1-26, provide for and file with the secretary of state, the amendment of  
11       § 20:42:03:06.01, as set forth below:

12               **20:42:03:06.01. Applicant for licensure by reciprocity allowed credit for**  
13       **work experience.** An applicant for licensure by reciprocity may be allowed credit for work  
14       experience as follows:

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

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

27               (3) Esthetician license~~;~~ a maximum of ~~300~~ three hundred hours of the school  
28       education hours required in § 20:42:06:09.02 may be earned through work experience.  
29       Two hours of work experience equals one hour of school education. If the applicant  
30       obtained the work experience more than five years before the date of the application, the  
31       applicant must take a commission-approved safety and infection control procedures  
32       course in order to receive credit for the work experience.

33               If the applicant holds a cosmetology-related license that is not equivalent to a  
34       cosmetology, nail technology, or esthetics license in this state, the commission may allow

1 credit for relevant work experience to apply toward the hours of education in the same  
2 manner as provided in this section for the applicable license sought by the applicant.

3 **Source:** 9 SDR 96, effective January 30, 1983; 12 SDR 151, 12 SDR 155,  
4 effective July 1, 1986; 14 SDR 64, effective November 2, 1987; 24 SDR 2, effective July  
5 23, 1997; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 31  
6 SDR 62, effective November 4, 2004; 39 SDR 129, effective January 28, 2013; 47 SDR 8,  
7 effective August 3, 2020.

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

9 **Law Implemented:** SDCL 36-15-19.2.