

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0157

## HOUSE BILL NO. 1048

Introduced by: The Committee on Commerce and Energy at the request of the Department  
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to exempt natural hair braiding from the practice of  
2 cosmetology.

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

4 Section 1. That § 36-15-1 be amended to read:

5 36-15-1. Terms used in this chapter mean:

6 (1) "Apprentice," any person licensed by the commission to receive education through  
7 an apprenticeship in a salon;

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

9 (3) "Booth," any part within a licensed salon that is rented or leased for the purpose of  
10 rendering licensed cosmetology services as a separate, independent salon business;

11 (4) "Commission," the Cosmetology Commission as established and created in § 36-15-  
12 3;

13 (5) "Cosmetologist," any person who, for compensation, engages in any of the practices  
14 of cosmetology;

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



- 1       (7)    "Demonstrator," any person licensed to practice cosmetology, nail technology, or  
2            esthetics in this state, in another state, or in another country, who demonstrates the  
3            various practices of cosmetology, as applicable, in order to inform or educate other  
4            licensees or the public;
- 5       (8)    "Esthetician," any person who, for compensation, engages in the practice of esthetics,  
6            but not in other practices of cosmetology;
- 7       (9)    "Esthetics," any one or any combination of the practices set forth in § 36-15-2.2;
- 8       (10)   "Junior instructor," any person licensed by the commission to instruct in a school and  
9            who is enrolled in instructor education as set forth in § 36-15-26;
- 10      (11)   "Nail technology," any one or any combination of the practices set forth in § 36-15-  
11            17.2;
- 12      (12)   "Nail technician," any person who, for compensation, engages in the practice of nail  
13            technology, but not in other practices of cosmetology;
- 14      (13)   "Natural hair braiding," any one or any combination of the practices set forth in  
15            section 2 of this Act;
- 16      (14)    "Salon," any place, premise, or building or any part of a building operated for the  
17            purpose of engaging in the practice of cosmetology, nail technology, or esthetics, or  
18            any combination of these practices;
- 19      ~~(14)~~(15)    "School," any place, premise, or building that is licensed by the commission  
20            to provide education to students in the practice of cosmetology, nail  
21            technology, or esthetics, or any combination of these practices;
- 22      ~~(15)~~(16)    "School premises," any permanent building or other structures approved by the  
23            commission as a school campus under one school license;
- 24      ~~(16)~~(17)    "Senior instructor," any person licensed by the commission to instruct in a

1 school who has previous instructor education and experience and meets the  
2 requirements set forth in § 36-15-25;

3 ~~(17)~~(18) "Student," any person who is licensed by the commission to receive education  
4 in a licensed school.

5 Section 2. That chapter 36-15 be amended by adding a NEW SECTION to read:

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

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

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

15 Section 3. That chapter 36-15 be amended by adding a NEW SECTION to read:

16 Any person engaging solely in natural hair braiding as set forth in section 2 of this Act is  
17 exempt from the provisions of this chapter.