

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

553A0523

SENATE BILL NO. 158

Introduced by: Senators Thompson and Aker and Representatives Jorgensen, Cutler,
DeMersseman, Hunt, and Roe

1 FOR AN ACT ENTITLED, An Act to allow the Cosmetology Commission to license nail
2 technicians separately from other cosmetologists, to provide for a nail shop license, and to
3 revise certain provisions concerning the Cosmetology Commission.

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

5 Section 1. That § 36-15-1 be amended by adding thereto a NEW SUBDIVISION to read as
6 follows:

7 "Cosmetological establishment," or "establishment," any beauty shop, nail shop, or beauty
8 school;

9 "Manager-nail technician," any person meeting the requirements of this chapter who manages
10 a nail shop or establishment;

11 "Nail shop," any place, premise, or building or any part or portion thereof where nail care is
12 practiced for compensation, but not a beauty shop or beauty school;

13 "Nail care," the care and beautification of the hands and feet, including filing, trimming, or
14 buffing of the nails, and the application of polish, wrappings, nail extensions, and other materials
15 or substances on the nails;

"Nail technician," any person who, for compensation, engages in the practice of nail care, but not in other practices of cosmetology.

Section 2. That § 36-15-11 be amended to read as follows:

36-15-11. The duties of the members of the cosmetology commission shall include but not be limited to inspection of beauty shops, nail shops, beauty schools, nail technicians, and cosmetologists; conducting examinations for applicants for licenses under this chapter, investigating violations and enforcing provisions of this chapter and the rules and regulations established by the commission pursuant to this chapter ~~and enforcing the provisions thereof~~; maintaining an office for the keeping of records; and doing all things necessary for the proper administration of this chapter.

Section 3. That § 36-15-13 be amended to read as follows:

36-15-13. The cosmetology commission may adopt rules pursuant to chapter 1-26 pertaining to the following:

- (1) Application requirements for any license or permit issued pursuant to this chapter;
- (2) Examinations;
- (3) Reports of students' instruction and work performed;
- (4) Minimum standards and requirements for beauty schools;
- (5) Minimum standards for plumbing, electrical, physical, and sanitary conditions for the health and safety of persons utilizing cosmetological establishments pursuant to § 36-15-13.1;
- (6) The professional conduct of licensees pursuant to § 36-15-13.1;
- (7) The reinstatement of lapsed licenses and lapsed renewal pursuant to § 36-15-20.1;
- (8) Establishing the fee for a lapsed license and lapsed renewal pursuant to § 36-15-20.1;
- (9) The course and instruction requirements received by transfer students pursuant to § 36-15-34;

(10) The textbooks, instructional material, and the general course of study for beauty schools and for beauty shops and ~~establishments~~ nail shops having apprentices pursuant to § 36-15-46;

(11) The progress and instruction received by an apprentice pursuant to § 36-15-48; and

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

Section 4. That chapter 36-15 be amended by adding thereto a NEW SECTION to read as follows:

Any person desiring to practice nail care in this state as a nail technician shall apply to the commission to take the nail technician examination. The application shall contain the information required by § 36-15-15 and proof that the applicant has completed four hundred hours of training in an approved and licensed beauty school or, in lieu of such training, has successfully completed a course of apprenticeship in a licensed beauty shop or nail shop, as provided in section 17 of this Act. The application shall be accompanied with the fee required by this chapter.

Section 5. That § 36-15-19 be amended to read as follows:

36-15-19. The cosmetology commission shall conduct at least six examinations in the art and practice of cosmetology and at least two examinations in the practice of nail care each year. Such ~~examinations shall be held and conducted at such times and places as the commission deems best.~~ The commission shall set the times and places for the conduct of the examination.

Section 6. That chapter 36-15 be amended by adding thereto a NEW SECTION to read as follows:

Each applicant for a nail technician license who has complied with section 4 of this Act shall take an examination before the commission in the art and practice of nail care. The commission shall prescribe the examination. If the applicant satisfactorily passes the examination, as determined by the commission, the commission shall license the applicant as a nail technician. Any nail technician license issued by the commission expires on January thirty-first each year and

1 is renewable annually.

2 Section 7. That § 36-15-19.2 be amended to read as follows:

3 36-15-19.2. The ~~cosmetology~~ commission may, ~~in its discretion~~, waive the examination
4 required in § 36-15-19.1 or section 6 of this Act upon application made to the commission that
5 ~~such the~~ applicant possesses the qualifications required pursuant to § 36-15-15, and that:

6 (1) ~~He~~ The applicant is of good moral character;

7 (2) The applicant has passed an examination in cosmetology or nail care, as applicable,
8 in the District of Columbia or any state or territory in the United States and is the
9 holder of a currently valid license, certificate, or certificate of registration in
10 cosmetology or nail care issued in that district, state, or territory;

11 (3) The requirements of that district, state, or territory at the time of ~~such the~~ examination
12 were not less than those required by this state as a condition precedent to the ~~issue of~~
13 ~~said~~ issuance of the license, certificate, or certificate of registration;

14 (4) The applicant ~~presents himself~~ comes before any member of the commission for ~~an a~~
15 written or oral examination on South Dakota cosmetology laws, ~~which examination~~
16 ~~may be either written or oral, and that such party's~~ and the examination is approved
17 in writing by ~~said the~~ commission member; and ~~the~~

18 (5) The application is accompanied ~~by~~ with the fee provided for in this chapter.

19 Section 8. That § 36-15-20 be amended to read as follows:

20 36-15-20. The fees promulgated in rules by the commission pursuant to chapter 1-26 for all
21 examinations, licenses, permits, and renewals thereof, required by this chapter ~~are as follows~~ may
22 not exceed the following maximums:

23 (1) "Operator" ~~license~~ examination fee, ~~not to exceed twenty-five~~ twenty dollars;

24 (2) Operator license fee, fifteen dollars;

25 (2)(3) "Operator's" Operator license renewal fee, ~~not to exceed~~ fifteen dollars;

- 1 ~~(3)~~(4) Nail technician examination fee, twenty dollars;
- 2 (5) Nail technician license fee, fifteen dollars;
- 3 (6) Nail technician license renewal fee, fifteen dollars;
- 4 (7) Temporary "operator" or nail technician license fee, ~~not to exceed~~ six dollars;
- 5 ~~(4)~~(8) "Manager-operator" license fee, ~~not to exceed~~ fifteen dollars;
- 6 ~~(5)~~(9) "Manager-operator" license renewal fee, ~~not to exceed~~ fifteen dollars;
- 7 (10) Manager-nail technician license fee, fifteen dollars;
- 8 (11) Manager-nail technician license renewal fee, fifteen dollars;
- 9 ~~(6)~~(12) "Junior instructor" license fee, ~~not to exceed~~ fifteen dollars;
- 10 ~~(7)~~(13) "Junior instructor" license renewal fee, ~~not to exceed~~ fifteen dollars;
- 11 ~~(8)~~(14) "Senior instructor" license fee, ~~not to exceed~~ fifteen dollars;
- 12 ~~(9)~~(15) "Senior instructor" license renewal fee, ~~not to exceed~~ fifteen dollars;
- 13 ~~(10)~~(16) Reciprocity and waiver of examination fee, ~~not to exceed~~ fifty dollars;
- 14 ~~(11)~~(17) Temporary permit based on reciprocal recognition of another state license, ~~not~~
- 15 to exceed six dollars;
- 16 ~~(12)~~(18) For endorsement of a certificate issued under this chapter, for a South Dakota
- 17 licensee to obtain reciprocity in another state, or furnishing of other papers therefor
- 18 to another state, five dollars;
- 19 ~~(13)~~(19) "Apprentice" license fee, ~~not to exceed~~ twenty-five dollars;
- 20 ~~(14)~~(20) "Beauty school" license fee, ~~not to exceed~~ two hundred fifty dollars;
- 21 ~~(15)~~(21) "Beauty school" license renewal fee, ~~not to exceed~~ two hundred fifty dollars;
- 22 ~~(16)~~(22) "Student" license fee, ~~not to exceed~~ six dollars;
- 23 ~~(17)~~(23) "Beauty shop" license fee, ~~not to exceed~~ fifty dollars;
- 24 ~~(18)~~(24) "Beauty shop" license renewal fee, ~~not to exceed~~ twenty-five dollars;
- 25 (25) Nail shop license fee, fifty dollars;

(26) Nail shop license renewal fee, twenty-five dollars.

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

Section 9. That chapter 36-15 be amended by adding thereto a NEW SECTION to read as follows:

Any person licensed by the commission as a nail technician may qualify to be licensed as a manager-nail technician by applying to the commission and submitting evidence satisfactory to the commission that the applicant meets the requirements of § 36-15-15 and has worked at least fifty weeks, with an average of forty hours a week, as a licensed nail technician.

Section 10. That § 36-15-21.1 be amended to read as follows:

36-15-21.1. Any "~~manager-operator's~~" manager-operator or manager-nail technician license issued by the commission pursuant to this chapter ~~shall expire~~ expires on the thirty-first day of January ~~annually, and shall be~~ each year and is renewable annually. The application ~~must for renewal shall~~ be accompanied ~~by~~ with the fee required by this chapter.

Section 11. That § 36-15-22 be amended to read as follows:

36-15-22. ~~Any person who is a holder of a valid and current license, certificate or certificate of registration as an operator or manager-operator in the practices of cosmetology from another state of the United States may make application to the commission for a temporary permit to practice the art of cosmetology pursuant to the provisions of this chapter. Said application must be accompanied with evidence satisfactory to the commission that such applicant possesses those qualifications required pursuant to § 36-15-15 and that such state's requirements for licensure are comparable to this state's requirements for licensing operators and manager-operators. Such application must be accompanied by the fee required by this chapter. Upon acceptance and issuance by the commission, said temporary permit shall expire ninety days after issuance. Any~~

1 person who holds a current valid license, certificate, or certificate of registration from another
2 state or territory of the United States or from the District of Columbia as an operator or
3 manager-operator in the practices of cosmetology or as a nail technician or manager-nail
4 technician in the practice of nail care may apply to the commission for a temporary permit to
5 practice the art of cosmetology or nail care, as applicable, pursuant to the provisions of this
6 chapter. The application shall be accompanied with evidence satisfactory to the commission that
7 the applicant possesses those qualifications required pursuant to § 36-15-15 and that the
8 requirements of that state, territory, or district for licensure are comparable to the requirements
9 of this state for licensure. The application shall be accompanied with the fee required by this
10 chapter. A temporary permit expires ninety days after issuance.

11 Section 12. That § 36-15-29 be amended to read as follows:

12 ~~36-15-29. Any person desiring to conduct a beauty school for any or all of the practices or~~
13 ~~arts of cosmetology shall make application to the state cosmetology commission for a license.~~
14 ~~If the commission determines upon satisfactory evidence submitted that such beauty school~~
15 ~~requires of its students a course of training in the practices and arts of cosmetology of not less~~
16 ~~than twenty-one hundred hours equal to the requirements for examination for an "operator's"~~
17 ~~license, and such beauty school satisfies the requirements established by the commission rules~~
18 ~~and regulations adopted pursuant to this chapter, it shall issue such license. Any person desiring~~
19 to conduct a beauty school for any of the practices or arts of cosmetology shall apply to the
20 commission for a license. If the commission determines, based on evidence submitted with the
21 application, that the beauty school requires of its students a course of training in the practices
22 and arts of cosmetology of not less than twenty-one hundred hours equal to the requirements for
23 examination for an operator license or a course of training in nail care of not less than four
24 hundred hours equal to the requirements for examination for a nail technician license and the
25 beauty school satisfies the requirements established by rules adopted pursuant to this chapter and

1 chapter 1-26, the commission shall issue the license.

2 Section 13. That § 36-15-33 be amended to read as follows:

3 36-15-33. Any person entering or enrolling in a licensed beauty school for training in the
4 practice or art of cosmetology ~~must make application~~ or nail care shall apply to the commission
5 for a student license within ten days after the date of ~~his~~ enrollment. ~~Such~~ The applicant for a
6 student license shall be at least sixteen and one-half years of age. The application shall contain
7 the information required pursuant to § 36-15-15, except the age of such applicant must be at
8 least sixteen and one-half years, and the name and location of the beauty school being attended.
9 Upon receipt of the application and the fee provided for in this chapter, the commission shall
10 issue to ~~such student~~ the applicant a "student" license which ~~shall entitle~~ entitles the student to
11 complete the course of training in which ~~he~~ the student is enrolled without additional license fees.
12 If the student withdraws from the beauty school or course in cosmetology or nail care for which
13 the fee was paid; and later enrolls in the same or a different beauty school or course, ~~he~~ the
14 student shall ~~again~~ pay the ~~original~~ student license fee ~~required by this chapter~~ again.

15 Section 14. That § 36-15-34 be amended to read as follows:

16 36-15-34. Any person who wishes to transfer from an out-of-state school of cosmetology
17 to a licensed beauty school in this state for the purpose of meeting the requirements of the state
18 for commission examination in cosmetology, ~~must~~ or nail care shall apply for a ~~student's~~ student
19 license pursuant to § 36-15-33. The ~~cosmetology~~ commission may ~~make rules and regulations~~
20 adopt rules pursuant to chapter 1-26 establishing requirements relating to courses and instruction
21 received by such transfer students. Such transfer students shall be given South Dakota credit
22 hours ~~therefor as may be~~ for their out-of-state training as determined and allowed by the
23 commission.

24 Section 15. That § 36-15-37 be amended to read as follows:

25 36-15-37. No owner, employer, manager, or any other person ~~shall~~ may conduct

1 simultaneously a beauty shop or ~~beauty establishment~~ nail shop and a beauty school, unless said
2 the shop or establishment is conducted ~~separate and apart~~ separately from the beauty school so
3 as not to be construed by the public as one enterprise.

4 Section 16. That § 36-15-42 be amended to read as follows:

5 36-15-42. Any person ~~upon application made~~ may apply to the cosmetology commission
6 ~~shall to~~ be licensed as an "apprentice"; ~~provided evidence satisfactory to the commission is~~
7 ~~submitted that such~~ apprentice if the applicant submits evidence satisfactory to the commission
8 that the applicant possesses those qualifications, except for age, required pursuant to § 36-15-15;
9 ~~except that such applicant must be at least seventeen years of age;~~ and the beauty shop or
10 ~~establishment~~ nail shop in which the apprentice ~~shall~~ will serve and receive instruction is currently
11 licensed and is adequately equipped to teach the profession of cosmetology or nail care, as
12 applicable. Any applicant for an apprentice license shall be at least seventeen years of age. Any
13 "apprentice" license issued pursuant to this chapter ~~shall be~~ is good for the full period of the
14 apprenticeship as defined in § 36-15-45, ~~and shall not be~~ and is not renewable. ~~Such~~ The
15 application ~~must~~ shall be accompanied by with the fee required by this chapter.

16 Section 17. That § 36-15-45 be amended to read as follows:

17 36-15-45. A licensed "apprentice" ~~must receive instruction in the practice of cosmetology~~
18 ~~as required by this chapter in the same licensed beauty shop or establishment for a period of~~
19 ~~eighteen continuous and consecutive months; provided, however, that upon written application~~
20 ~~and good cause appearing therefor to the satisfaction of the commission, the commission may~~
21 ~~permit the apprentice to transfer to another licensed beauty shop or establishment for the~~
22 ~~completion of the required term of said apprenticeship; and provided further, that the commission~~
23 ~~may allow a break in such continuous and consecutive period at their discretion upon application~~
24 ~~and good cause therefor.~~ A licensed apprentice in cosmetology shall receive instruction in the
25 practice of cosmetology as required by this chapter in the same licensed beauty shop for eighteen

1 consecutive months. A licensed apprentice in nail care shall receive instruction in the practice of
2 nail care as required by this chapter for six consecutive months in the same licensed beauty shop
3 or nail shop. The commission may permit an apprentice to transfer to another licensed beauty
4 shop or nail shop, as applicable, for completion of the apprenticeship if the apprentice applies for
5 the transfer in writing to the commission and shows good cause for the request. The commission
6 may permit a break in the consecutive period of the apprenticeship if the apprentice applies for
7 the break in writing to the commission and shows good cause for the request. The commission
8 shall define good cause by rule promulgated pursuant to chapter 1-26.

9 Section 18. That § 36-15-46 be amended to read as follows:

10 36-15-46. The ~~cosmetology~~ commission may ~~make reasonable rules and regulations~~
11 ~~prescribing~~ prescribe textbooks, instructional material, and the general course of study required
12 for beauty schools and for beauty shops ~~or establishments~~ and nail shops having ~~an apprentice~~
13 ~~or one or more~~ apprentices. Such textbooks and instructional material must be furnished ~~to the~~
14 ~~apprentice without any charge or cost for the use thereof~~ without charge for use by apprentices.

15 Section 19. That § 36-15-47 be amended to read as follows:

16 36-15-47. Any apprentice licensed pursuant to this chapter ~~shall be authorized to follow or~~
17 may practice any of the practices of cosmetology; ~~provided, that such practice of cosmetology~~
18 if the practice is performed only in a beauty shop or ~~establishment~~ a nail shop licensed pursuant
19 to this chapter, ~~that such;~~ the apprentice is under the constant supervision, control, and direction
20 of a licensed "senior instructor" at all times; and ~~that such~~ the apprentice is actually engaged in
21 the study and practice of cosmetology or nail care at least forty hours a week.

22 Section 20. That § 36-15-50 be amended to read as follows:

23 36-15-50. Any person who ~~has completed~~ completes the term of apprenticeship pursuant to
24 this chapter more than ten days ~~prior to~~ before the time set for a regular commission examination
25 in cosmetology or nail care, as applicalbe to the apprenticeship, may ~~make application~~ apply to

1 the ~~cosmetology~~ commission for a temporary license which will authorize ~~such the~~ applicant to
2 perform all the practices of a regularly licensed ~~cosmetologist "operator."~~ Said cosmetology
3 operator or nail technician, as applicable. The application ~~must~~ shall be accompanied with
4 evidence satisfactory to the commission that ~~such the~~ applicant possesses the qualifications
5 required pursuant to § 36-15-15 and that the apprenticeship period has been completed. ~~Upon~~
6 ~~acceptance and issuance by the commission, said temporary license shall be~~ A temporary license
7 issued by the commission is good until the date of the next regular commission examination in
8 cosmetology, ~~provided, however, that if the holder thereof submits for examination at such time,~~
9 ~~the temporary license shall thereupon be extended until the result of such person's examination~~
10 ~~is mailed to him or nail care, as applicable.~~ If the holder of a temporary license takes the
11 examination at that time, the commission shall extend the temporary license until the result of
12 the examination is mailed to the person. The application ~~must~~ for a temporary license shall be
13 accompanied ~~by~~ with the fee required by this chapter for ~~such the~~ temporary license and by the
14 examination fee.

15 Section 21. That § 36-15-50.1 be amended to read as follows:

16 36-15-50.1. Any person who ~~has successfully completed~~ successfully completes a course of
17 training in an approved and licensed beauty school in this state, or in any other licensed beauty
18 school not located within this state ~~approved by the commission and to its satisfaction shown~~
19 that is shown to the satisfaction of the commission to be equally comparable, more than ten days
20 ~~prior to~~ before the time set for a regular commission examination in cosmetology or nail care,
21 as applicable to the training, may ~~make application~~ apply to the commission for a temporary
22 license which will authorize ~~such the~~ applicant to perform all the practices of a regularly licensed
23 ~~cosmetologist "operator."~~ Such cosmetology operator or nail technician, as applicable. The
24 application shall contain evidence satisfactory to the commission that the course of training ~~in~~
25 ~~an approved and licensed cosmetology school~~ has been successfully completed; and ~~must~~ shall

1 be accompanied by with the fee for a temporary license as provided for by this chapter for such
2 ~~temporary license~~. The application ~~must~~ shall also be accompanied by with the application and
3 fee for an ~~operator's operator or nail technician~~ license. ~~Upon acceptance and issuance by the~~
4 ~~commission, said temporary license shall be~~ A temporary license issued by the commission is
5 good until the date of the next regular commission examination in cosmetology, ~~provided,~~
6 ~~however, that if the holder thereof submits for examination at such time, the temporary license~~
7 ~~shall thereupon be extended until the result of such person's examination is mailed to him or nail~~
8 care, as applicable. If the holder of a temporary license takes the applicable examination at that
9 time, the commission shall extend the temporary license until the result of the examination is
10 mailed to the person.

11 Section 22. That § 36-15-51 be amended to read as follows:

12 36-15-51. ~~Any person desiring to operate or conduct a beauty shop or establishment where~~
13 ~~any or all of the arts of cosmetology are practiced shall make application to the commission for~~
14 ~~a beauty shop license, and such application shall state whether the application is made for a~~
15 ~~general license or a limited license. In the event such application is for a limited license, the same~~
16 ~~shall state what arts of cosmetology are to be practiced at the shop where the license is applied~~
17 ~~for. Operation of such beauty shop or establishment without a license is a petty offense, and if~~
18 ~~a license is limited it is a petty offense to practice the art of cosmetology in such beauty shop or~~
19 ~~establishment in excess of the limitations set forth in the license. All beauty shop and beauty~~
20 ~~establishment licenses shall expire on the thirty-first day of January of each year and shall be~~
21 ~~renewable annually. Such application shall be accompanied by the fee required by this chapter.~~
22 Any person who desires to operate a beauty shop where all of the arts of cosmetology are
23 practiced shall apply to the commission for a general beauty shop license. Any person who
24 desires to operate a beauty shop where the practice of cosmetology is limited to one or a few of
25 the arts specified in § 36-15-2 shall apply to the commission for a limited beauty shop license.

1 The application for a limited license shall state the arts of cosmetology desired to be practiced.
2 Any person who desires to operate a nail shop where only nail care is practiced shall apply to the
3 commission for a nail shop license. The application fee set pursuant to § 36-15-20 shall
4 accompany the application. All beauty shop and nail shop licenses expire on January thirty-first
5 each year and are renewable annually. Operation of a beauty shop or a nail shop without a license
6 is a petty offense. The practice of cosmetology beyond the limits specified in the license is a petty
7 offense.

8 Section 23. That § 36-15-51.1 be amended to read as follows:

9 36-15-51.1. ~~Before a new~~ If a beauty shop or ~~beauty establishment may open to the public~~
10 ~~or change~~ nail shop changes location or ownership, ~~an application shall be made~~ the owner or
11 manager of the shop shall apply to the commission for a new license pursuant to § 36-15-51 ~~as~~
12 ~~an original license. Such.~~ The application; shall be accompanied with the license fee provided for
13 by this chapter, ~~shall be made to the state cosmetology commission.~~ The commission may issue
14 a temporary permit to ~~such~~ the applicant ~~until such time as an official inspection can be made of~~
15 ~~the premises by the commission~~ which is valid for ninety days. During that time, the commission
16 shall inspect the premises. The owner or manager of a beauty shop or ~~establishment~~ nail shop
17 that changes location; or ownership or is closed shall immediately notify the commission of ~~such~~
18 that fact.

19 Section 24. That § 36-15-53.1 be amended to read as follows:

20 36-15-53.1. ~~A beauty shop or beauty establishment shall, at all times, be under the~~
21 ~~supervision of a cosmetologist who holds a currently valid "manager-operator" license. It is a~~
22 ~~petty offense for any beauty shop or beauty establishment, or owner thereof, to offer or render~~
23 ~~any or all practices of cosmetology to the public unless such shop or establishment has a licensed~~
24 ~~"manager-operator" in cosmetology present in such shop or establishment. A beauty shop shall~~
25 be at all times under the supervision of a person who holds a currently valid manager-operator

1 license. A nail shop shall be at all times under the supervision of a person who holds a currently
2 valid manager-operator or manager-nail technician license. It is a petty offense for a beauty shop
3 or nail shop or its owner to offer or render any of the practices of cosmetology to the public
4 unless the shop has a licensed manager-operator or manager-nail technician, as applicable,
5 present in the shop.

6 Section 25. That § 36-15-54 be amended to read as follows:

7 36-15-54. ~~No person, except~~ Only demonstrators while demonstrating under the provisions
8 of this chapter, ~~shall~~ may practice any of the arts of cosmetology for compensation, fee, or for
9 any other remuneration outside of the premises of a licensed beauty shop or ~~beauty~~
10 ~~establishment, a licensed nail shop~~ unless the person desiring any or all of the cosmetological
11 services is unable to come to ~~such the~~ beauty shop or ~~establishment~~ nail shop because of sickness
12 or other ~~physical disabilities~~ disability.

13 Section 26. That subdivision (8) of § 36-15-60 be amended to read as follows:

14 (8) Allowing the practice of cosmetology by an operator except under the immediate and
15 constant supervision and direction of a licensed manager-operator or by a nail
16 technician except under the immediate and constant supervision and direction of a
17 licensed manager-operator or a licensed managing nail technician;

18 Section 27. That subdivision (9) of § 36-15-60 be amended to read as follows:

19 (9) Operating a beauty shop, ~~beauty establishment~~ nail shop, or beauty school for any or
20 all of the arts of cosmetology without having first obtained a the applicable license
21 ~~therefor~~ as provided in this chapter; and

22 Section 28. That ARSD 20:42:01:02 be repealed.

23 ~~— 20:42:01:02. Manicuring is the care and beautification of the nails of the hands and feet,~~
24 ~~including but not limited to filing, trimming, or buffing, and the application of polish, wrappings,~~
25 ~~and other materials or substances on the nails.~~