

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

805H0470

HOUSE BILL NO. 1083

Introduced by: Representatives Hundstad, Elliott, Frost, and Sutton (Duane) and Senators
Dennert and Diedtrich (Elmer)

1 FOR AN ACT ENTITLED, An Act to allow persons to provide certain skin peels without a
2 cosmetology license.

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

4 Section 1. That § 36-15-2 be amended to read as follows:

5 36-15-2. Any person, who for compensation, a fee, or any valuable consideration, engages
6 in any of the following practices or arts is engaged in the practice of cosmetology: dressing,
7 curling, waving, permanent waving, cleaning, cutting, singeing, bleaching, setting, fitting,
8 coloring, or similar work upon the hair or wigs of any person by any means, or who, with hands,
9 mechanical or electrical apparatus, or any other appliances, or by use of cosmetic preparations
10 or antiseptics, engages in the practice or art of massaging, cleansing, manipulating, or performing
11 similar services upon the scalp, face, neck, arms, bust, or shoulders, manicuring the nails, or
12 removing superfluous hair about the body of any person. Any person practicing cosmetology
13 shall be licensed under this title, while practicing within the scope of that person's license. The
14 following does not constitute the practice of cosmetology:

15 (1) Any person practicing permanent removal of hair by the use of a galvanic or



1 thermalytic needle; ~~or~~

2 (2) Any retailer at a retail establishment who in the ordinary course of business is engaged
3 in the demonstration of make-up if:

4 (a) The make-up is applied only with disposable applicators that are discarded
5 after each customer demonstration;

6 (b) The demonstration is without charge to the person to whom the demonstration
7 is given; and

8 (c) The retailer does not advertise or provide a cosmetological service except the
9 sale of make-up and fragrances; or

10 (3) Any person practicing chemical or mechanical skin peel if:

11 (a) The person has received and maintains documentation of instruction in the
12 procedure from the product or appliance dealer; and

13 (b) The person does not represent himself or herself as a cosmetologist or provide
14 any other cosmetology services.