

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0172

SENATE BILL NO. 27

Introduced by: The Committee on Commerce and Energy at the request of the South Dakota
Cosmetology Commission

1 FOR AN ACT ENTITLED, An Act to revise disciplinary action remedies of the Cosmetology
2 Commission.

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

4 Section 1. That § 36-15-55.2 be amended to read as follows:

5 36-15-55.2. ~~The commission may, in compliance with chapter 1-26, either refuse to issue,~~
6 ~~revoke, or suspend a license which is required by this chapter on any of the grounds for~~
7 ~~disciplinary action provided in this chapter. If the commission determines that a person or~~
8 ~~business entity is in violation of this chapter, the commission may take the following actions:~~

- 9 (1) Deny an application;
10 (2) Suspend, revoke, or refuse to renew a license;
11 (3) Place on probation, condition, or limit a licensee's practice;
12 (4) Censure or reprimand a person or business entity;
13 (5) Impose an administrative fine not to exceed two thousand dollars per offense for an
14 individual licensee and not to exceed five thousand dollars per offense for a salon
15 licensee;



1 (6) Refuse to permit a person to sit for examination or refuse to release a person's
2 examination scores;

3 (7) Require a person to sit for a reexamination;

4 (8) Pursue legal actions against a person or business entity that is not licensed to offer
5 or render practices covered by this chapter; and

6 (9) Impose a fee to reimburse the commission for all or any portion of attorney's fees and
7 any other costs incurred by the commission in pursuing any disciplinary action or
8 proceeding authorized by this chapter.

9 Section 2. That chapter 36-15 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any proceeding for the revocation or suspension of a license shall be conducted pursuant
12 to chapter 1-26 and any rules promulgated pursuant to this chapter.

13 Section 3. That § 36-15-56 be amended to read as follows:

14 36-15-56. The grounds for disciplinary action are:

15 (1) Fraud or deception in procuring a license required by this chapter;

16 (2) Failure of any person to comply with any of the requirements of this chapter or rules
17 adopted pursuant to this chapter;

18 (3) Publication or use of any untruthful or improper statement or representation, with a
19 view of deceiving the public, or any patron or customer in connection with the
20 practice or education in cosmetology;

21 (4) Habitual drunkenness or drug addiction affecting the licensee's practice of the
22 profession, or conviction of a violation of any federal or state law relating to narcotic
23 drugs;

24 (5) Failure to furnish to the commission, any report or information which is required by

- 1 this chapter or rules adopted pursuant to this chapter;
- 2 (6) The employment of any unlicensed person to perform work which under this chapter
3 can lawfully be done only by licensed persons;
- 4 (7) Failure to publicly display any license required by this chapter;
- 5 (8) Willfully making any false oath or affirmation whenever any oath or affirmation is
6 required in this chapter or by rules adopted pursuant to this chapter;
- 7 (9) Conviction of a felony affecting the licensee's practice of the profession, as shown
8 by a certified copy of the record of the court of conviction;
- 9 (10) Continued practice by persons knowingly having an infectious or contagious disease;
10 ~~and~~
- 11 (11) Practice of any cosmetology services for which the commission requires additional
12 continuing education when the education has not been completed;
- 13 (12) Attempting to or successfully applying for, renewing, or otherwise obtaining any
14 other licensee's license without proper authorization; and
- 15 (13) Failure of any person to remit to the commission any fees, administrative fines, or
16 any other moneys legally owed to the commission.