



## 2024 South Dakota Legislature

# House Bill 1233

Introduced by: **Representative Moore**

1 **An Act to amend requirements for a cosmetology apprenticeship.**

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

3 **Section 1. That § 36-15-1 be AMENDED:**

4 **36-15-1.** Terms used in this chapter mean:

- 5 (1) "Apprentice," any person licensed by the commission to receive education through  
6 an apprenticeship in a salon;
- 7 (2) "Apprentice salon," any salon licensed by the commission to teach apprentices;
- 8 (3) "Booth," any part within a licensed salon that is rented or leased for the purpose  
9 of rendering licensed cosmetology services as a separate, independent salon  
10 business;
- 11 (4) "Commission," the Cosmetology Commission as established and created in § 36-  
12 15-3;
- 13 (5) "Cosmetologist," any person who, for compensation, engages in any of the  
14 practices of cosmetology;
- 15 (6) "Cosmetology," any one or any combination of the practices set forth in § 36-15-  
16 2;
- 17 (7) "Demonstrator," any person licensed to practice cosmetology, nail technology, or  
18 esthetics in this state, in another state, or in another country, who demonstrates  
19 the various practices of cosmetology, as applicable, in order to inform or educate  
20 other licensees or the public;
- 21 (8) "Esthetician," any person who, for compensation, engages in the practice of  
22 esthetics, but not in other practices of cosmetology;
- 23 (9) "Esthetics," any one or any combination of the practices set forth in § 36-15-2.2;
- 24 (10) "Instructor," any person who is licensed by the commission to instruct in a school  
25 or an apprentice salon and who meets the requirements set forth in § 36-15-25;

- 1 (11) "Nail technology," any one or any combination of the practices set forth in § 36-  
2 15-17.2;
- 3 (12) "Nail technician," any person who, for compensation, engages in the practice of  
4 nail technology, but not in other practices of cosmetology;
- 5 (13) "Natural hair braiding," any one or any combination of the practices set forth in  
6 § 36-15-1.1;
- 7 (14) "Salon," any place, premise, or building or any part of a building operated for the  
8 purpose of engaging in the practice of cosmetology, nail technology, or esthetics,  
9 or any combination of these practices;
- 10 (15) "School," any place, premise, or building that is licensed by the commission to  
11 provide education to students in the practice of cosmetology, nail technology, or  
12 esthetics, or any combination of these practices;
- 13 (16) "School premises," any permanent building or other structures approved by the  
14 commission as a school campus under one school license; and
- 15 (17) "Student," any person who is licensed by the commission to receive education in a  
16 licensed school.

17 **Section 2. That § 36-15-25 be AMENDED:**

18 **36-15-25.** No person may teach in a school or an apprentice salon unless that  
19 person is licensed by the commission as an instructor. Any person may qualify and be  
20 licensed by the commission as an instructor for cosmetology, nail technology, or esthetics,  
21 as applicable, upon application made to the commission. The application ~~shall~~ must be  
22 accompanied by satisfactory evidence that the applicant:

- 23 (1) Possesses the qualifications required by § 36-15-15;
- 24 (2) Currently holds a valid cosmetologist, nail technician, or esthetician license, as  
25 applicable;
- 26 (3) Has complied with any instructor education as prescribed by § 36-15-26.2 or has  
27 at least one year of teaching experience as a licensed instructor from another state  
28 in cosmetology, nail technology, or esthetics, as applicable; and
- 29 (4) Has passed an examination prescribed by the commission.

30 However, the applicant may receive the license conditionally, dependent on  
31 completing instructor education and passing the examination as prescribed by the  
32 commission in rules adopted pursuant to chapter 1-26.

33 An instructor with a cosmetologist license may instruct in any practice of  
34 cosmetology. An instructor with a nail technician license may only instruct in the practice

1 of nail technology. An instructor with an esthetician license may only instruct in the  
2 practice of esthetics.

3 The commission may promulgate rules, pursuant to chapter 1-26, to establish  
4 education and experience requirements for a person to serve as a substitute instructor.

5 **Section 3. That § 36-15-42.1 be AMENDED:**

6 **36-15-42.1.** ~~No~~A salon may not offer apprenticeship education without obtaining  
7 an apprentice salon license. The owner of the salon may apply to the commission to be  
8 licensed as an apprentice salon if:

- 9 (1) The salon meets the applicable requirements of this chapter and rules promulgated  
10 pursuant to this chapter;
- 11 (2) The salon has passed the annual inspection for the current year; and
- 12 (3) The application is accompanied by the fee required in this chapter.

13 The apprentice salon license ~~is valid for the length of the apprenticeship as stated~~  
14 ~~in § 36-15-45. If the apprenticeship period extends longer than the length of hours in~~  
15 ~~§ 36-15-45, as applicable, then the apprentice salon license shall be renewed. The~~  
16 ~~commission may grant an extension of the license for good cause. The commission shall~~  
17 ~~define good cause by rules promulgated pursuant to chapter 1-26.~~ expires one year from  
18 the date of issuance and is renewable annually. The renewal application must be  
19 accompanied by the fee required in this chapter.

20 **Section 4. That § 36-15-44 be AMENDED:**

21 **36-15-44.** An apprentice salon may have up to eight apprentices not to exceed  
22 two apprentices per instructor ~~during any one period of time.~~

23 **Section 5. That § 36-15-47 be AMENDED:**

24 **36-15-47.** Any apprentice licensed pursuant to this chapter may practice  
25 cosmetology if the practice is performed only in a cosmetology, esthetics, or nail salon, as  
26 applicable, licensed pursuant to this chapter; the apprentice is under the constant  
27 supervision, control, and direction of a licensed instructor at all times; and the apprentice  
28 is actually engaged in the study and practice of cosmetology, esthetics, or nail technology  
29 at least forty hours a week. At the election of the apprentice, the apprenticeship may be  
30 pursued on a part-time basis, with a minimum of twenty hours per week. The apprentice

1 may elect to revert to full-time status at any time by notifying the commission at least  
2 fifteen days prior to the change taking effect.

3 **Section 6. That § 36-15-48 be AMENDED:**

4 **36-15-48.** The commission ~~may~~ shall adopt reasonable rules pursuant to chapter  
5 1-26 pertaining to a report on the apprentice's progress and education received ~~by any~~  
6 ~~apprentice required of the~~ from a licensed instructor ~~under whom the apprentice is being~~  
7 supervised.

8 **Section 7. That a NEW SECTION be added to chapter 36-15:**

9 A licensed apprentice who has completed hours in cosmetology, esthetics, or nail  
10 technology may apply the completed hours towards meeting the curriculum requirements  
11 of another apprentice program if the completed hours meet the requirements of the other  
12 program.

13 **Section 8. That a NEW SECTION be added to chapter 36-15:**

14 A person who has completed hours under an apprenticeship or at a licensed school  
15 may have those completed hours be transferable between an apprenticeship, program, or  
16 school if allowed by the institution to which the person is transferring.