

## CHAPTER 20:42:03

### LICENSURE AND LICENSURE RENEWAL

#### Section

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**20:42:03:03. ~~(Effective January 1, 2020, including renewals expiring after December 31, 2019)~~ Fees.** The fees for licenses, permits, and license renewals are as follows:

- (1) Examination fee which includes the initial license, \$100;
- (2) Examination retake fee, one test, \$60; two tests, \$70; three tests, \$80;
- (3) Cosmetologist, nail technician, or esthetician license renewal fee, \$25;
- (4) Temporary cosmetologist, nail technician, or esthetician license fee, \$6;
- (5) Instructor initial license fee and renewal fee, \$35;
- (6) Reciprocity, initial license, and waiver of examination fee, \$100;
- (7) For certification of a license issued pursuant to SDCL chapter 36-15 for a South Dakota licensee to obtain licensure in another state, or furnishing of other papers to another state or school, \$20;
- (8) Apprentice license fee, \$25;
- (9) Apprentice salon initial license and renewal fee, \$250;
- (10) School initial license fee and renewal fee, \$300;
- (11) Student license fee, \$6;
- (12) Salon or booth initial permit license fee, \$60;
- (13) Salon or booth license renewal fee, \$40;
- (14) Reinspection fee for failed salon, \$50 for each reinspection;
- (15) License duplicate or replacement fee, \$5; and
- (16) Lapsed license penalty, \$20 for each year lapsed.

**Source:** SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 64, effective November 2, 1987; 18 SDR 79, effective

November 7, 1991; 23 SDR 25, effective August 26, 1996; 24 SDR 2, effective July 23, 1997; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013; 45 SDR 83, effective December 11, 2018 (effective January 1, 2020).

**General Authority:** SDCL 36-15-13(12), 36-15-20, 36-15-20.1.

**Law Implemented:** SDCL 36-15-20, 36-15-20.1.

**20:42:03:04. Requirements for individual licensure applicants.** All applicants for initial individual licensure shall submit the following in English:

(1) A certified copy of the person's birth certificate, United States certificate of naturalization, current United States Permanent Resident Card, current United States passport, or a current driver license issued by a state or provincial government of the United States or Canada;

~~(2) A high school diploma, high school transcript, or official general education development certificate showing passage, or a signed, notarized statement attesting that the applicant completed a high school education;~~

~~(3)~~ A personal photograph of the applicant taken within the preceding year;

(4) ~~(3)~~ Proof in writing, on forms furnished by the commission, that the person possesses the necessary qualifications for the license sought; and

~~(5)~~ ~~(4)~~ For an applicant who received an education in cosmetology, esthetics, or nail technology in another state, proof of the education by a transcript from the school attended or a certification of the education from the state's cosmetology licensing agency. The transcript or certification must be transmitted directly to the commission by the school or the state's

cosmetology licensing agency. The executive director may reject an application that does not contain proof of education recognized by another state's cosmetology licensing agency.

**Source:** SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 18, effective August 15, 1999; 29 SDR 176, effective July 1, 2003; 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013; 43 SDR 176, effective July 3, 2017; 46 SDR 46, effective October 3, 2019.

**General Authority:** SDCL 36-15-13(1).

**Law Implemented:** SDCL 36-15-15.

**20:42:03:06.01. Applicant for licensure by reciprocity allowed credit for work experience.** An applicant for licensure by reciprocity may be allowed credit for work experience as follows;

(1) Cosmetologist license: a maximum of ~~4,000~~ 750 hours of the school education hours required in § 20:42:06:09 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience;

(2) Nail technician license: a maximum of 200 hours of the school education hours required in § 20:42:06:09.01 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience; and

(3) Esthetician license: a maximum of ~~350~~ 300 hours of the school education hours required in § 20:42:06:09.02 may be earned through work experience. Two hours of work experience equals one hour of school education. If the applicant obtained the work experience more than five years before the date of the application, the applicant must take a commission-approved safety and infection control procedures course in order to receive credit for the work experience.

**Source:** 9 SDR 96, effective January 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 64, effective November 2, 1987; 24 SDR 2, effective July 23, 1997; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13(14).

**Law Implemented:** SDCL 36-15-19.2.

**20:42:03:06.03. Foreign-educated applicants for licensure.** In addition to the requirements of SDCL 36-15-15 and 36-15-19.2, an applicant from a foreign country shall:

— (1) ~~Have all foreign documentation evaluated by a professional evaluation organization; and~~

(2) ~~H~~ have successfully completed ~~300~~ 225 cosmetology education hours, ~~450~~ 90 esthetics education hours, or 60 nail technician education hours, as applicable, at a school approved by the commission. The education shall include federal safety requirements (OSHA and FDA) for cosmetology, South Dakota cosmetology safety and infection control procedures, and United States cosmetic products.

**Source:** 29 SDR 176, effective July 1, 2003; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13(1).

**Law Implemented:** SDCL 36-15-19.2.

**20:42:03:14. Waiver of exam for reciprocity applicants.** The examination requirement under SDCL 36-15-19.1, 36-15-19.3, or 36-15-19.5 is waived for an applicant who has successfully passed a state-administered or authorized theory ~~and hands-on practical~~ examination in another state. ~~If the applicant is licensed in a state that does not administer a hands-on practical examination at the time the applicant was originally licensed, and the applicant has less than one year of experience, the applicant must take the hands-on practical examination.~~

**Source:** 46 SDR 46, effective October 3, 2019.

**General Authority:** SDCL 36-15-13(1)(2), 36-15-19.2.

**Law Implemented:** SDCL 36-15-19.2.

**20:42:04:10.01. Display of blood exposure rules.** The blood exposure rules as outlined in 20:42:05:06 shall be posted in or near the first aid kit in the salon.

**Source:** 29 SDR 176, effective July 1, 2003; 43 SDR 176, effective July 3, 2017.

**General Authority:** SDCL 36-15-13(4)(5).

**Law Implemented:** SDCL 36-15-13(4).

**CHAPTER 20:42:06**  
**SCHOOL REQUIREMENTS**

Section

20:42:06:01	Required basic equipment and educational supplies for all schools.
20:42:06:01.01	Required minimum equipment and educational supplies for a cosmetology course.
20:42:06:01.02	Required minimum equipment and educational supplies for an esthetics course.
20:42:06:01.03	Required minimum equipment and educational supplies for a nail technology course.
20:42:06:01.04	Branch school exception.
20:42:06:02	Classrooms.
20:42:06:03	Repealed.
20:42:06:04	Repealed.
20:42:06:05	Approved textbooks for basic course of study.
20:42:06:06	Requirements for classroom education.
20:42:06:07	Student services to be checked.
20:42:06:08	Identification of instructors.
20:42:06:08.01	Demonstrators in a classroom.
20:42:06:09	Required minimum curriculum for cosmetology course.
20:42:06:09.01	Required minimum curriculum for nail course.
20:42:06:09.02	Required minimum curriculum for esthetics course.

20:42:06:09.03	Branch school curriculum requirement for a partial program.
20:42:06:10	Minimum number of instructors.
20:42:06:11	Restrictions on instructor's services.
20:42:06:12	Required records and reports.
20:42:06:13	Repealed.
20:42:06:14	School records.
20:42:06:15	Repealed.
20:42:06:16	Transfer of student from out-of-state.
20:42:06:17	Field trips.
20:42:06:18	Repealed.
20:42:06:19	School minimum requirements for premises and facilities.
20:42:06:20	School equipment requirements.
20:42:06:21	Electric nail file or drill requirements.
20:42:06:21.01	Microdermabrasion machine requirements.
20:42:06:22	Prohibited equipment and procedures.
20:42:06:23	Repealed.
20:42:06:24	Required school infection control and safety procedures.
20:42:06:25	Care of capes and towels in schools.
20:42:06:26	Procedure for handling wigs and hairpieces in cosmetology schools.
20:42:06:27	Storage for harmful supplies.
20:42:06:28	Prohibited products.
20:42:06:29	Display of licenses.
20:42:06:30	Display of student prices.



- 20:42:06:31 Display of health, safety, and infection control rules.
- 20:42:06:32 Display of blood exposure rules.
- 20:42:06:33 Display of unregulated services sign in school clinics.
- 20:42:06:34 School responsible for students.
- 20:42:06:35 Terminated students who restart education.
- 20:42:06:36 Credit for hours from other institutions.

**20:42:06:32. Display of blood exposure rules.** The blood exposure rules as outlined in 20:42:05:06 shall be posted in the dispensary of the school.

**Source:** 29 SDR 176, effective July 1, 2003; 43 SDR 176, effective July 3, 2017.

**General Authority:** SDCL 36-15-13(4)(5).

**Law Implemented:** SDCL 36-15-13(5).

**20:42:06:36. Credit for hours from other institutions.** Any individual seeking credit for coursework completed at an institution not teaching the practices of cosmetology, nail technology, or esthetics, shall submit an official transcript from that institution.

For education earned in a credit hour program, each credit hour is equal to 30 clock hours.

**Source:**

**General Authority:** SDCL 36-15-46.1

**Law Implemented:** SDCL 36-15-46.1,