

**SCOPE OF PRACTICE IN SOUTH DAKOTA COSMETOLOGY
AS OF JULY 3, 2017**

The following are the laws that govern the scope of the cosmetology, esthetics, and nail technology licenses in South Dakota as of July 1, 2007.

COSMETOLOGY

36-15-2. License required to practice cosmetology -- Acts constituting practice of cosmetology. No person may engage in the practice of cosmetology unless the person is licensed by the commission. A person is engaged in the practice of cosmetology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

(1) Hair care by styling, wrapping, arranging, braiding, twisting, weaving, extending, fusing, dressing, curling, waving, permanent waving, singeing, cleansing, shampooing, cutting, bleaching, setting, coloring, straightening, relaxing, fitting, massaging, or similar work upon the hair, scalp, wigs, or hairpieces of a person;

(2) Nail technology (see 36-15-17.2);

(3) Esthetics (see 36-15-2.2); or

(4) Removal of superfluous hair by nonpermanent means. *Only cosmetologists and estheticians may do hair removal. See the scope for esthetics and nail technology below. These are include in the cosmetology license. Hair removal by lasers is not allowed.*

ESTHETICS

36-15-2.2. License required for practice of esthetics -- Practices constituting esthetics. No person may engage in the practice of esthetics unless the person is licensed by the commission. A person is engaged in the practice of esthetics if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

(1) Beautifying, massaging, cleansing, exfoliating, stimulating, or applying oils, creams, cosmetic preparations, make-up, facial treatments, body treatments, body wraps, antiseptics, scrubs, clays, lotions, masks, waxes, or other preparations for the noninvasive care of the skin. For purposes of this subdivision, noninvasive means confined to the nonliving cells of the stratum corneum of the epidermis. Such practices shall be in a superficial mode and not for the treatment of medical disorders, and living cells may never be altered, cut, or damaged;

(2) Grooming or applying eyebrows or eyelashes, including arching and tinting; or

(3) Removing superfluous hair by nonpermanent means, including tweezing and waxing.

Esthetics does not include scalp treatments or scalp massage. *Esthetics does not include any nail procedures. Esthetics does include the whole body. Microdermabrasion is allowed, but requires continuing education before starting the service.*

NAIL TECHNOLOGY

36-15-17.2. License required to practice nail technology -- Practices constituting nail technology. No person may engage in the practice of nail technology unless the person is licensed by the commission. A person is engaged in the practice of nail technology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

(1) Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, air-brushing, decorating, cleansing, or otherwise beautifying a person's fingernails or toenails;

(2) Applying and removing artificial nails; or

(3) Massaging, cleansing, and exfoliating a person's hands, arms, feet, and legs.

Nail technology does not include hair removal, cutting nail beds, treating corns or calluses, or any medical treatment involving the feet, hands, or nails. *Nails technicians cannot do waxing. Only cosmetologists and estheticians can do waxing and hair removal. Electric files are allowed, but require continuing education before starting this service.*

MANAGER LICENSES

This license designation was dropped on 7/1/2007.

SALONS OR BOOTHS

36-15-51. License required to operate salon or booth -- Types of licenses -- Annual expiration and renewal -- Violation as misdemeanor. No person may operate a salon or booth without a license. *A person may apply for a cosmetology salon, cosmetology booth, nail salon, nail booth, esthetics salon, esthetics booth, or limited salon (wigs only, waxing only, etc.). Salon and booth licenses expire annually on their opening dates. The Commission does allow home salons.*

PRACTICING OUTSIDE A SALON

36-15-54. Practice outside licensed salon or booth prohibited -- Exceptions. Cosmetology, nail technology, and esthetics may only be practiced in a licensed salon or booth. *Licensees may provide services outside the salon or booth ONLY IF the client is unable to come to the salon due to imprisonment, a disabling sickness, or disability. The licensee must document the service through a salon or booth. Old age or weather does not allow a licensee to go into a person's home.*

NOT COSMETOLOGY

36-15-2.1. Acts not constituting practice of cosmetology. *Electrolysis and retail make-up. Please note that this only applies to makeup, not skin care products that exfoliate the skin. Also, not covered, permanent makeup, tattooing, tanning beds, ear candling, massage therapy, reflexology, aromatherapy, piercing and branding. These may be practiced in a licensed salon as long as it is posted that these are not covered under the salon license. We do not inspect these services.*

EXEMPTIONS

36-15-16. Persons exempt from chapter. This chapter does not apply to services rendered by regularly licensed physicians, physician assistants, nurses, podiatrists, chiropractors, physical therapists, occupational therapists, morticians, barbers, or licensed demonstrators when exclusively engaged in the practice of their respective professions.

36-15-16.1. Natural hair braiding exempt from chapter. Any person engaging solely in natural hair braiding as set forth in § 36-15-1.1 is exempt from the provisions of this chapter.

ELECTRIC FILES, MICRODERMABRASION AND EYELASH EXTENSIONS

BEFORE a licensee can operate an electric drill/file or a microdermabrasion machine or perform eyelash extensions the licensee must have 8 hours of education in the electric drill/file or 16 hours of education in microdermabrasion or 16 hours of education in eyelash extensions. After completing the education, documentation must be sent into the Commission office. The office staff will then certify the licensee to use these machines.

If you wish to discuss this issue or have further questions, please call The Cosmetology Commission Office at 605-773-6193 or e-mail cosmetology@state.sd.us or visit with an inspector. Also, cosmetology laws may be found at our website at http://dlr.sd.gov/cosmetology/laws_rules.aspx