

**20:42:01:01. Definitions.** Terms defined in SDCL 36-15-1 have the same meaning when used in this article. In addition, terms used in this article mean:

(1) "Body wraps," body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity, and promote the beauty of the skin and body;

(2) "Chemical exfoliation," a resurfacing procedure performed with a chemical solution or product for the purpose of removing superficial layers of the epidermis to a point no deeper than the stratum corneum;

(3) "Clean," "cleaned," or "cleaning," the rendering free of dust and foreign material by first removing the foreign material and then, as appropriate, washing with hot water and soap;

(4) "Dermaplane," the use of a scalpel or sharp, bladed instrument by a physician to remove the upper layers of the stratum corneum;

(5) "Direct supervision," the physical presence in the salon or school where services requiring licensure are being performed by a licensee or student. Direct supervision requires on-site communication, direction, and observation on a consistent basis;

(6) "Disinfect," "disinfected," or "disinfecting," a chemical process using designated disinfectants, that destroys organisms (bacteria, virus, fungus) specified on the manufacturers label when performed in accordance with label instructions. Disinfection is exclusive to non-porous surfaces (glass, metal or plastic) and to be effective, items/surface must be cleaned prior to disinfection and contact time (as listed on label) must be strictly adhered to;

(7) "Disinfectant," an Environmental Protection Agency (EPA) registered, hospital grade chemical agent of adequate strength that destroys most bactericidal, fungicidal, and virucidal activity when mixed and used in accordance with manufacturer's label;

(8) "Epidermis," the outermost layer of skin;

(9) "Eyelash extension application," applying individual artificial eyelashes with adhesive to the upper or lower eyelids.

(9-10) "Infection control," the processes and protocols that are designed to reduce the risk of spreading pathogens in an environment. These protocols include consideration of all possible modes of transmission within a specified environment and can include, but not limited to, cleaning, disinfection, sterilization, air quality, laundering, and hand washing;

(10-11) "Manipulating" or "manipulation," applying a light pressure by the hands for cosmetic purposes only and not for the treatment of disease or physical or mental ailments;

(11-12) "Massaging," applying massage movements by the hands or a machine for cosmetic purposes rather than therapeutic purposes;

(12-13) "Microdermabrasion," a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system;

(13-14) "Non-invasive," confined to the nonliving cells of the epidermis, specifically the stratum corneum layer;

(14-15) "Pedicure," cutting, trimming, polishing, coloring, tinting, cleaning, or otherwise beautifying a person's toenails, applying artificial toenails, exfoliating dead skin through non-invasive means, and massaging and cleaning a person's legs and feet; and

(15-16) "Pedicure foot-spa station," any basin using circulating or still water.

**Source:** SL 1975, ch 16, § 1; repealed, 6 SDR 10, effective August 12, 1979; readopted, 29 SDR 176, effective July 1, 2003; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13.

**Law Implemented:** SDCL 36-15-1.

**CHAPTER 20:42:03**

**LICENSURE AND LICENSURE RENEWAL**

Section

20:42:03:01	Application required.
20:42:03:02	Repealed.
20:42:03:03	Fees
20:42:03:04	Requirements for individual licensure applicants.
20:42:03:05	Repealed.
20:42:03:06	License specific requirements for individual licensure applicants.
20:42:03:06.01	Applicants for licensure by reciprocity allowed credit for work experience.
20:42:03:06.02	Transferred.
20:42:03:06.03	Foreign-educated applicants for licensure.
20:42:03:07	Salon or booth license.
20:42:03:07.01	Repealed.
20:42:03:08	Limited cosmetology salon or booth license.
20:42:03:09	School or branch school license.
20:42:03:10 and 20:42:03:11	Repealed.
20:42:03:12	Renewal requirements and renewal dates of licenses.
20:42:03:13	Requirements for renewal of a lapsed license-- <u>overrun period</u> .

**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, ~~ACT test scores~~, or official GED (general education development) certificate showing passage;

(3) A personal photograph of the applicant taken within the last year; and

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

**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.

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

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

**20:42:03:12. Renewal requirements and renewal dates of licenses.** A license renewal application, along with the appropriate renewal fee, shall be submitted to the commission or postmarked by the annual license renewal date for all licenses and permits issued pursuant to SDCL chapter 36-15.

The annual license renewal dates are as follows:

(1) Cosmetologist, nail technician, esthetician, junior instructor, and senior instructor: application for renewals shall be submitted on or before the licensee's birth date as shown as the expiration date on the face of the current license; and

(2) All salons and booths: application for renewals shall be submitted on or before the anniversary date of the initial license as shown as the expiration date on the face of the current license.

~~In addition, a license seeking to renew an instructor license shall submit proof of completing the requirements under chapter 20:42:08. A license renewing a senior instructor license with the intent to teach no more than 80 hours per calendar year shall submit a statement requesting a waiver of the requirements of § 20:42:08:04.~~

A name change request must be accompanied by a legal document showing the previous name and the new legal name.

If a licensee has met the requirements of this section, the licensee may continue to practice pending issuance of the renewed license. Any license that is not renewed pursuant to the requirements of this section shall lapse.

**Source:** SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 29 SDR 176, effective July 1, 2003; 31 SDR 62, adopted October 15, 2004, effective January 1, 2006; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-2.4, 36-15-13(1).

**Law Implemented:** SDCL 36-15-2.4, 36-15-13(1).

**20:42:03:13. Requirements for renewal of a lapsed license--overrun period.** An individual who wishes to renew a lapsed license shall meet the requirements of § 20:42:03:12 and pay the license renewal fee and lapsed license penalty fee required in § 20:42:03:03 for each lapsed year. In addition, an individual whose license has lapsed for more than five continuous years shall complete one of the following:

- (1) Pass the current licensing examinations; or
- (2) Attend at least a two-hour review course on South Dakota cosmetology laws, rules, and safety procedures. The review course must be pre-approved by the commission. After completing the course, the applicant must pass an examination given by the commission on safety and infection control procedures.

Any licensee continuing to perform or offering to perform services, licensed under SDCL chapter 36-15, sixty days or more after license expiration shall be subject to disciplinary proceedings.

**Source:** 26 SDR 18, effective August 15, 1999; 29 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 33 SDR 226, effective July 1, 2007; transferred from § 20:42:03:06.02, 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13(7), 36-15-20.1.

**Law Implemented:** SDCL 36-15-11(4), 36-15-20.1.

## CHAPTER 20:42:04

### SALON AND BOOTH REQUIREMENTS

## Section

20:42:04:01	Salon and booth requirements.
20:42:04:01.01	Salon in licensed nursing facility.
20:42:04:02	Salon in private residence.
20:42:04:02.01	Sharing premises with barbers.
20:42:04:03	Repealed.
20:42:04:04	Salon and booth equipment requirements.
20:42:04:04.01	Electric file or drill requirements.
20:42:04:04.02	Microdermabrasion machine requirements.
20:42:04:04.03	Prohibited equipment and procedures.
20:42:04:05	Repealed.
20:42:04:05.01	Infection control and safety procedures.
20:42:04:06	Care and use of capes.
20:42:04:07	Procedure for handling wigs and hairpieces.
20:42:04:08	Storage for harmful supplies.
20:42:04:08.01	Prohibited products.
20:42:04:09	Display of licenses.
20:42:04:09.01	Display of educational certification.
20:42:04:10	Display of health, safety, and infection control rules.
20:42:04:10.01	Display of blood <del>spill</del> <u>exposure</u> rules.
20:42:04:10.02	Display of unregulated services sign in salons.
20:42:04:11 to 20:42:04:18	Transferred.

**20:42:04:04. Salon and booth equipment requirements.** Each salon or booth must have the following equipment available at all times:

(1) A first aid kit readily accessible to all persons working in the salon ~~or booth~~. The kit must contain small adhesive bandages, disposable latex or hypo-allergenic gloves, gauze, and antiseptic;

(2) A 5-pound ABC fire extinguisher or its equivalent for each 1,500 square feet of space occupied by the salon. Extinguishers must be located in a convenient location and must always be in a condition for use;

(3) A sufficient number of electric outlets so that no cord or other electrical connection constitutes an obstacle or fire hazard to the clients or to persons working in the salon or booth;

(4) Sufficient combs and brushes for each working cosmetologist so that a clean comb or brush is used on each client;

(5) Sufficient towels or linens so that a clean towel or linen is used on each client;

(6) Separate closed containers labeled for clean or soiled towels or linens;

(7) Separate closed containers for used or contaminated implements

(8) A station for each working licensee with its own clean closed container for storage of all clean implements used indirect contact with clients;

(9) For each licensee practicing nail technology on a client:

(a) One nail table with a lamp;

(b) One manicure chair;

(c) One pedicure station with chairs for the client and licensee;

(d) One covered waste container that is emptied at least daily; and



(e) A nail applicator brush and sufficient assorted buffers and files so that an unused buffer or file is used on each client; and

(10) For each licensee practicing esthetics on a client:

(a) One facial chair;

(b) One additional chair; and

(c) Sufficient esthetics tools and implements so that a clean and disinfected item is used on each client.

**Source:** SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 9 SDR 96, effective January 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 64, effective November 2, 1987; 23 SDR 25, effective August 26, 1996; 24 SDR 2, effective July 23, 1997; 26 SDR 18, effective August 15, 1999; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 39 SDR 129, effective January 28, 2013.

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

**Law Implemented:** SDCL 36-15-13(4)(5).

**20:42:04:04.03. Prohibited equipment and procedures.** The following equipment and procedures are prohibited:

(1) Blades, knives, razor-type callus shavers, credo blades, rasps, graters, or any other implements used to remove corns or calluses capable of cutting below the stratum corenum layer of the skin, except for lancets used specifically for extraction of impurities;

~~(1) (2) Dermaplane procedures, dermabrasion procedures, ultrasound equipment; blades, knives, and any tools, except for lancets used specifically for extraction of impurities, that invade the skin or living cells; and~~

~~(2) (3) Any procedure in which human tissue is cut or altered by any FDA Class 3 or above mechanical or energy devices; and~~

(4) UV sterilizers or light boxes are prohibited as infection control devices.

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

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

**Law Implemented:** SDCL 36-15-13(4)(5).

**20:42:04:05.01. Infection control and safety procedures.** The following procedures must be used for infection control and safety:

(1) All fluids, semifluids, creams, and powders must be kept in clean, closed, and properly labeled containers and dispensed with a disinfected spatula, shaker, pump, or spray dispenser;

(2) Electrical equipment must be cleaned and disinfected;

(3) Clean and disinfected electrical equipment must be stored in a separate, clean ~~container~~; place such as a hook or stand. When a bucket is used, it must be disinfected with a wipe or spray daily.

(4) Clean and disinfected nonelectrical implements must be stored in a separate, clean, closed container;

(5) Disinfectants must be available in the working area for immediate use at all times;

(6) Single-use articles, such as emery boards, cosmetic sponges, and orangewood sticks, must be disposed of immediately after use in a closed waste container;

(7) Multi-use articles must be thoroughly washed in soap and hot water, rinsed with clean warm water, and completely immersed in a commission-approved disinfectant of proper strength and for the necessary time period according to manufacturer instructions. Contact points of all non-immersable equipment and metal implements must be disinfected by wiping or spraying with a commission-approved disinfectant. After being disinfected the multi-use articles must be stored in clean, closed containers between use. Any multi-use article, tool, or product which cannot be cleaned and disinfected is prohibited;

(8) If a blood ~~spill~~ exposure should occur involving a client or licensee, the following steps must be followed:

~~(a) Stop service immediately, clean injured area as necessary with an antiseptic solution and cover the wound with sterile bandage as required to prevent further blood exposure. As appropriate, cover the wound with a finger guard or disposable latex or hypo-allergenic glove, or cover both hands with gloves if the wound is on the client;~~

(a) Client is bleeding: Stop service; put gloves on; if appropriate, assist client to sink and rinse the injured area under running water; pat dry with a new, clean, disposable towel; offer or apply antiseptic and adhesive bandage; place all single use items in a bag and place in a trash receptacle; remove all implements from station and properly clean and disinfect; clean and disinfect work area; remove and dispose of gloves; wash hands; return to service.

~~(b) Double bag and dispose of all contaminated tissue, cotton, or other materials;~~

(b) Licensee is bleeding: Stop service; explain the situation and excuse yourself from the service; if appropriate, rinse injured area under running water; pat dry with a new, clean, disposable towel; apply antiseptic and adhesive bandage; put gloves on; place all single use items in a bag and place in a trash receptacle; remove all implements from the work area and properly clean and disinfect; clean and disinfect work area; remove and dispose of gloves; wash hands; if necessary cover injured area with a protective finger cot or new glove; return to service.

~~(c) Before continuing service disinfect all equipment, tools, and implements that have come in contact with blood, clean station with a disinfectant as necessary, and clean hands with antimicrobial cleanser; and~~

~~(d) Do not allow containers, brushes, nozzles, or liquid styptic to touch the skin or contact the wound;~~

(9) All waste must be removed from the salon or booth at least daily or as needed so a container is not overflowing;

(10) The floors in a work area must be made free of hair and other debris after each client;

(11) For esthetics the headrest of chairs and treatment tables must be covered with a clean sheet of examination paper or linen for each client;

(12) Only commercially-available products for the exfoliation of skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer;

(13) Sanding bands used on electric file mandrels are for single use purposes and must be discarded after each use. Metal bits for electric files shall be properly disinfected after each client and stored in a clean, closed container until use.

(14) All nail files are single use items unless made of metal, glass, or crystal. Ceramic nail files are single use items unless completely sealed by a glaze;

~~(14)~~ (15) When using any microdermabrasion machine:

(a) Any crystals used in a microdermabrasion machine may not be recycled or reused. Crystals or approved corundum are for single use purposes and must be discarded after each use;

(b) Tips must be disinfected after each client and disposed of if any wear is shown; and

(c) The exterior must be kept clean of crystal dust, and the filters changed as necessary;

~~(15)~~ (16) Pedicure foot-spa stations must be cleaned and disinfected; ~~before each client;~~

(a) At the end of each client service:

(i) Drain all water and remove all debris from the spa basin;

(i) Clean the spa basin with soap or detergent and water;

(iii) Disinfect the spa basin with a disinfectant; and

(iv) Wipe the spa basin with a clean towel until dry.

(b) At the end of each day, clean and disinfect each whirlpool foot spa basin in the following manner:

(i) Remove the screen, and clean all debris trapped behind the screen;

(ii) Wash the screen with soap or detergent and water;

(iii) Immerse the screen completely in disinfectant;

(iv) Flush the spa system with low sudsing soap and warm water for 10 minutes or more; and

(v) Rinse and drain the spa.

(c) At least once a week after being cleaned and disinfected, each whirlpool foot spa must be cleaned and disinfected in the following manner:

(i) Fill the spa basin completely with water and add one teaspoon of 5.25 percent bleach (or recommended whirlpool disinfectant) for each gallon of water. Use according to the manufacturer's instructions.

(ii) Flush the spa or bath system with bleach (or recommended whirlpool disinfectant) and water solution for 5 to 10 minutes.

(iii) Soak for 6 to 10 hours; and

(iv) Drain and flush the spa with water before use for a client.

~~(16)~~ (17) Waxing services: Equipment used for waxing hair removal services must be kept clean and disinfected at all times; and a

(a) A clean spatula must be used each time any wax is distributed to the client; and

(b) Wax pots must be kept covered and the exterior cleaned daily;

(c) If debris is found in the wax pot, or if the wax has been contaminated by contact with skin, unclean applicators, or double-dipping, the wax pot must be emptied, the wax discarded, and the pot must be disinfected;

(d) Each end of a disposable spatula or wooden stick may be dipped in the wax only once and then discarded;

(e) Applicators may be dipped only once into the wax unless the wax is a single-service item and unused wax is discarded after each service;

(f) Any surface touched by a used wax stick must be disinfected immediately after the service;

(g) Paraffin warmers must be kept covered, the exterior cleaned daily, and the wax must be debris free; and

(h) Paraffin wax removed from a client's skin must not be reused and must be discarded. The client's hands and feet must be washed in soap and water before being immersed in a paraffin wax warmer unit.

~~(17)~~ (18) Chemical exfoliation in salons or booths must comply with the following practices:

(a) Salons or booths, within the scope of their practice, may use chemicals or products, natural or synthetic, which act on or affect the epidermis layer of the skin;

(b) All exfoliant products or formulations shall be used in accordance with the manufacturer's recommendations;

(c) Cosmetic-use alpha hydroxy acid (AHA glycolic and lactic acids) exfoliation preparations that do not exceed a 35 percent concentration with a pH value not lower than pH 3.0 may be used;

(d) Jessner's solutions of 14 percent salicylic acid, lactic acid, and 2 percent resorcinol may be used;

(e) Trichloroacetic acid (TCA) with levels less than 20 percent may be used;

(f) Twenty percent beta hydroxy acid (BHA) which includes salicylic acid with a pH of 3.0 or higher may be used; and

(g) A licensee may not apply any exfoliating acid to a client's skin that has undergone microdermabrasion within the previous seven days.

**Source:** 23 SDR 25, effective August 26, 1996; 24 SDR 2, effective July 23, 1997; 26 SDR 18, effective August 15, 1999; 28 SDR 24, effective August 24, 2001; 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 32 SDR 32, effective August 29, 2005; 39 SDR 129, effective January 28, 2013.

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

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

**20:42:04:08.01. Prohibited products.** A salon or booth may not use the following products:

(1) Liquid monomer nail products containing methyl methacrylate monomers (MMA);

and

(2) Chemicals containing bichloroacetic acid (BCA) or any acid in any concentration level that requires a prescription or acts on living tissue;

(3) Fumigants, formalin tablets, or formalin liquids; and

(4) Roll on wax.

**Source:** 26 SDR 18, effective August 15, 1999; 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004.

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

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

**20:42:04:09.01. Display of educational certification.** Each licensee practicing eyelash extension services or services that use microdermabrasion machines or electric files shall display



the certification of approved education provided by the commission in public view of the salon or booth.

**Source:** 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(4).

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

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

**Source:** 29 SDR 176, effective July 1, 2003.

**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 and 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	General safety requirements for all schools.
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 <del>spill</del> <u>exposure</u> rules.
20:42:06:33	Display of unregulated services sign in school clinics.

**20:42:06:05. Approved textbooks for basic course of study.** The school shall use one or more of the following textbooks for a basic course of study:

(1) ~~Milady's Standard Cosmetology, Milady Publishing Corporation, 2012~~ **Milady Standard Cosmetology, 13<sup>th</sup> Edition, Milady Publishing Corporation, Copyright 2016;**

(2) ~~Milady's Standard Nail Technology, 6<sup>th</sup> edition, Milady Publishing Corporation, 2011~~ **Milady Standard Nail Technology, 7th edition, Milady Publishing Corporation, Copyright 2015;**

(3) ~~Salon Fundamentals: Cosmetology, Pivot Point International, Inc., 2009-2010;~~ **Salon Fundamentals Cosmetology: 3rd Edition, 5th Printing January 2017, copyright 2000, 2010, 2014 Pivot Point International;**

(4) ~~Milady's Standard Esthetics Fundamentals 10<sup>th</sup> or 11<sup>th</sup> edition, Milady Publishing Corporation, 2009 or 2012~~ **Milady Standard Esthetics, 11th edition, Milady Publishing Corporation, Copyright 2013;**

(5) ~~Salon Fundamentals: Esthetics, Pivot Point International, Inc., 2004~~ **Salon Fundamentals Esthetics: 2nd Edition, 16th Printing, August 2016, copyright 2004, 2007 Pivot Point International;**

(6) ~~Salon Fundamentals: Nails, Pivot Point International, Inc., 2010;~~ **Salon Fundamentals Nails: 2nd Edition, 15th Printing, August 2016, copyright 2007 Pivot Point International; or**

(7) ~~Cosmetology Fundamentals, Pivot Point International, Inc., 2010~~ **Cosmetology Fundamentals, A Designer's Approach: 3rd Edition, 7th Printing, June 2016, copyright 2009, 2010, 2013 Pivot Point International; or**

(8) Pivot Point Fundamentals, 1st Edition, 1st printing 2016, copyright 2016 Pivot Point International.

Other materials and books may be used to supplement these textbooks.

**Source:** SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 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; 26 SDR 18, effective August 15, 1999; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13(10).

**Law Implemented:** SDCL 36-15-46.

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

**Source:** 29 SDR 176, effective July 1, 2003.

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

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

## CHAPTER 20:42:08

**INSTRUCTOR EDUCATION AND LICENSE SPECIFIC EDUCATION  
REQUIREMENTS**

Section

20:42:08:01	Junior instructor education for initial licensure.
20:42:08:01.01	Junior instructor education program.
20:42:08:02	Junior instructor continuing education for renewal.
20:42:08:03	Senior instructor education for initial licensure.
<del>20:42:08:03.01</del>	<del>Senior instructor education exception.</del> <u>Repealed.</u>
20:42:08:04	Senior instructor continuing education for renewal.
20:42:08:04.01	Instructor education required to teach apprentices.
20:42:08:05	Verification fee for individual licensee.
20:42:08:05.01	<del>Verification</del> <u>Pre-verification</u> fee for course provider.
20:42:08:06	Obtaining evidence of compliance.
20:42:08:07	Education requirement to use microdermabrasion machines.
20:42:08:08	Education requirement to use electric nail files.
<u>20:42:08:09</u>	<u>Education requirement to perform eyelash extensions.</u>

**20:42:08:03. Senior instructor education for initial licensure.** To receive a senior instructor license, the applicant shall successfully complete a program of 1,000 clock hours of commission-approved instructor education.

~~If a licensed senior instructor is not available to work in a school,~~ †The commission may conditionally approve a senior instructor license to an applicant dependent upon the applicant

passing the instructor written theory and completing the required hours of education within six months of receiving the license. If the education is not completed successfully before the end of the six months, the license immediately becomes invalid.

**Source:** 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013

**General Authority:** SDCL 36-15-25, 36-15-26.2.

**Law Implemented:** SDCL 36-15-25, 36-15-26.2.

~~**20:42:08:03.01. Senior instructor education exception.** If an applicant intends to teach no more than 80 hours per calendar year as a senior instructor, the commission may waive the requirements of § 20:42:08:03. A statement attesting to this fact shall be signed by the applicant and the applicable school and filed with the commission. If the status changes, the commission shall be immediately informed of the change by the school and the senior instructor license shall immediately become invalid. If an individual who obtains a license under this section then chooses to teach more than 80 hours per calendar year, the individual shall apply as a junior instructor. Credit may be given toward the education requirement of § 20:42:08:01.01 for hours earned teaching as a senior instructor. Repealed.~~

**Source:** 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-25, 36-15-26.2.

**Law Implemented:** SDCL 36-15-25, 36-15-26.2.

**20:42:08:04. Senior instructor continuing education for renewal.** A licensee renewing a senior instructor license shall annually satisfactorily complete at least twelve hours of commission-approved education courses on teaching methods. The twelve hours shall be completed before the senior license is renewed.

A licensee who has obtained a license under § 20:42:08:03-04 may request a waiver of the twelve hour education requirement by submitting a statement attesting to the fact that the licensee has not taught more than 80 hours in a calendar year. Such a statement shall be signed by the licensee and applicable licensed school.

**Source:** 29 SDR 176, effective July 1, 2003; 31 SDR 62, effective November 4, 2004; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-25.1, 36-15-26.2.

**Law Implemented:** SDCL 36-15-25.1, 36-15-26.2.

**20:42:08:05.01. ~~Verification~~ Pre-verification fee for course provider.** A course provider shall pay the commission a fee of \$100 to pre-verify each education course provided by the provider. The fee shall be accompanied by an application form provided by the commission. The pre-verification fee and application are valid for one year after commission approval. A course provider shall immediately notify the commission of any significant course material



changes. A course provider shall seek new pre-verification if there is a significant change in the course material.

**Source:** 31 SDR 62, effective November 4, 2004; 39 SDR 129, effective January 28, 2013.

**General Authority:** SDCL 36-15-13.2, 36-15-26.2.

**Law Implemented:** SDCL 36-15-13.2, 36-15-26.2.

**20:42:08:09. Education requirement to perform eyelash extensions.** A licensee must successfully complete a minimum of 16 educational hours on the proper techniques to perform eyelash extensions. The hours shall cover the technique of applying eyelashes using adhesive and infection control and safety procedures that protect the client and licensee. Evidence of this education must be submitted to and approved by the commission before any services are performed. After approval, the commission shall provide certification of education approval. The commission-issued certification shall be posted in a public place in the salon while the licensee is working.

**Source:**

**General Authority:** SDCL 36-15-13(5), 36-15-13.2

**Law Implemented:** SDCL 36-15-13.2