

SOUTH DAKOTA COSMETOLOGY COMMISSION
PROPOSED ADMINISTRATIVE RULES CHANGES

May 2018

20:42:03:06. License specific requirements for individual licensure applicants. An applicant for any of the following specific individual licenses shall submit the following additional information on forms provided by the commission:

(1) Student license: a certificate of admission by the owner or school administrator of a licensed South Dakota school;

(2) Cosmetologist or nail technician license: information relating to school and education and the number of education hours or equivalent credit hours received;

(3) Esthetician license: information relating to school and education and that the applicant has completed a minimum of six hundred hours of education or equivalent credit hours in an approved and licensed cosmetology or esthetics school;

(4) Temporary license: information required for a cosmetologist, esthetician, or nail technician license, a certificate of graduation from a licensed school, and the location where the applicant intends to practice under a temporary license;

(5) Temporary permit for reciprocity: the salon name and address where the applicant intends to practice under the temporary permit;

(6) ~~Junior instructor license: in addition to the requirements in SDCL 36-15-26, the following must be provided:~~

~~(a) The name of the salon, the name of the salon owner, and the dates of employment where the required 1,000 hours of salon work experience was obtained;~~

~~(b) The course title, dates, and hours of credit claimed from each educational course as required by § 20:42:08:01;~~

~~(c) Documentation of enrollment in an instructor educational program as required by § 20:42:08:01.01; and~~

~~(d) Passage of the required instructor test as required by SDCL chapter 36-15 and ARSD article 20:42;~~

~~(7) Senior instructor license: in addition to the requirements in SDCL 36-15-25, the following must be provided:~~

~~———— (a) The name of the salon, the name of the salon owner, and the dates of employment of 1,000 hours of salon work experience;~~

~~———— (b) Documentation of successful completion of an instructor education program as required by § 20:42:08:01.01 or a statement of intent of teaching no more than 80 hours per calendar year; and~~

~~———— (c) If the senior instructor plans to teach an apprentice, the names and dates of educational courses attended as required by SDCL 36-15-25.2 and § 20:42:08:04.01; and~~

(8) Apprentice license: in addition to the requirements in SDCL 36-15-42, a signed, certified letter from the salon owner stating the name and address of the salon where the apprentice education will be provided and the name and license of the ~~senior~~ instructor; and

(7) Instructor license: must meet the requirements of SDCL 36-15-25 and § 20:42:08:03.

Source: SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 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; 31 SDR 62,

effective November 4, 2004; 32 SDR 32, effective August 29, 2005; 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013.

General Authority: SDCL 36-15-2.3, 36-15-13(1), 36-15-26.2.

Law Implemented: SDCL 36-15-2.3, 36-15-17, 36-15-17.1, 36-15-19.2, 36-15-22, 36-15-25, 36-15-25.2, 36-15-26, 36-15-33, 36-15-42, 36-15-50, 36-15-50.1.

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.

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; 43 SDR 176, effective July 3, 2017.

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

Law Implemented: SDCL 36-15-2.4, 36-15-13(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 <u>or assisted living center</u>
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 exposure rules.
20:42:04:10.02	Display of unregulated services sign in salons.
20:42:04:11 to 20:42:04:18	Transferred.

20:42:04:01.01. Salon in licensed nursing facility or assisted living center. A ~~licensed~~ nursing facility or assisted living center licensed by the South Dakota Department of Health does not need a salon license under the following conditions:

(1) A staff member or volunteer of the facility washes, sets, or trims the hair of any resident; or

(2) A cosmetologist provides cosmetology services only to residents of the facility.

~~A licensed nursing facility is a health care facility such as a hospital, special inpatient care facility, psychiatric hospital, or nursing facility licensed by a state or federal regulatory agency for the purpose of providing health care services.~~

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

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

Law Implemented: SDCL 36-15-54.

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	<u>(Effective through December 31, 2018)</u> Required minimum curriculum for cosmetology course. (Effective January 1, 2019)
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 exposure rules.

20:42:06:33 Display of unregulated services sign in school clinics.

20:42:06:06. Requirements for classroom education. School classroom education requirements are as follows:

(1) A school may not require a student to work, be instructed, or earn credit for more than eight hours in a day at the school. However, a school may offer students the option to earn credit for more than eight hours in a day;

(2) Cosmetology students must spend ~~300~~ 225 hours in classrooms, demonstrations, and practice before performing service on any client of the school;

(3) Esthetic students must spend 110 hours in classrooms, demonstrations, and practice before performing service on any client of the school;

(4) Nail technology students must spend 60 hours in classrooms, demonstrations, and practice before performing service on any client of the school;

(5) A school may not deduct earned clock hours; and

(6) A student may not be required to do, or allowed to earn credit for, cleaning unrelated to normal salon duties or maintenance such as washing walls, washing windows, or shoveling snow.

Source: SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 2, effective July 23, 1997; 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(10).

Law Implemented: SDCL 36-15-46.

20:42:06:09. (Effective through December 31, 2018) Required minimum curriculum for cosmetology course. Each licensed cosmetology school offering a complete cosmetology program, totaling a minimum of 2100 hours, shall meet the following minimum curriculum requirements:

(1) Infection control and safety procedures regarding cleaning, disinfection, hygiene, infections, hazards, disorders, and diseases, including cosmetology laws and rules: 120 hours;

(2) Scientific concepts to include chemistry, bacteriology, anatomy, and physiology: 210 hours;

(3) Hair coloring to include tinting, bleaching, highlighting, and tipping: 240 hours;

(4) Chemical hair relaxing: 60 hours;

(5) Haircuts: 240 hours;

(6) Hairstyling, wave shaping, thermal curling, pincurling, shampooing, wigs, braiding, and scalp treatments, including demonstrations: 330 hours;

(7) Permanent waving: 150 hours;

(8) Nail technology to include manicuring, pedicuring, artificial nails, electric files and attachments, and related services: 180 hours, eight of which must be education in electric files and attachments;

(9) Massage manipulations to include scalp, head, neck, hands, arms, feet, and legs: 30 hours;

(10) Esthetics to include facials, facial machines, body treatments, makeup application, hair removal, and eyebrow arching: 330 hours; and

(11) Business practices regarding salon management, booth management, communications, salesmanship, and ethics including cosmetology laws and rules: 150 hours.

A minimum of 250 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each student must receive an additional 60 hours of education. The additional hours shall be in areas that the school feels are necessary to supplement the basic course requirements for an individual student.

(Effective January 1, 2019) Required minimum curriculum for cosmetology course.

Required minimum curriculum for cosmetology course. Each licensed cosmetology school offering a complete cosmetology program, totaling a minimum of ~~2400~~ 1500 hours, shall meet the following minimum curriculum requirements:

~~—— (1) Infection control and safety procedures regarding cleaning, disinfection, hygiene, infections, hazards, disorders, and diseases, including cosmetology laws and rules: 120 hours;~~

~~—— (2) Scientific concepts to include chemistry, bacteriology, anatomy, and physiology: 210 hours;~~

~~—— (3) Hair coloring to include tinting, bleaching, highlighting, and tipping: 240 hours;~~

~~—— (4) Chemical hair relaxing: 60 hours;~~

~~—— (5) Haircuts: 240 hours;~~

~~—— (6) Hairstyling, wave shaping, thermal curling, pincurling, shampooing, wigs, braiding, and scalp treatments, including demonstrations: 330 hours;~~

~~—— (7) Permanent waving: 150 hours;~~

~~—— (8) Nail technology to include manicuring, pedicuring, artificial nails, electric files and attachments, and related services: 180 hours, eight of which must be education in electric files and attachments;~~

~~—— (9) Massage manipulations to include scalp, head, neck, hands, arms, feet, and legs: 30 hours;~~

~~—— (10) Esthetics to include facials, facial machines, body treatments, makeup application, hair removal, and eyebrow arching: 330 hours; and~~

~~—— (11) Business practices regarding salon management, booth management, communications, salesmanship, and ethics including cosmetology laws and rules: 150 hours.~~

~~—— A minimum of 250 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each student must receive an additional 60 hours of education. The additional hours shall be in areas that the school feels are necessary to supplement the basic course requirements for an individual student.~~

(1) General infection control and professional standards, including infection control in a licensed facility; infection control standards and guidelines; infection control for implements and equipment; first aid; blood exposure standards; professional development; effective communication; human relations; business management/ownership; and state law: 150 hours;

(2) The science of cosmetology, hair, skin and nails, including health safety and infection control; general anatomy and physiology; skin diseases, disorders and structure; properties of the hair and scalp; nail structure, growth, diseases and disorders; basics of chemistry; product chemistry; understanding the basics of electricity; and basic nutrition: 200 hours;

(3) General cosmetology, including principles of hair design, scalp care, shampooing and conditioning; haircutting; hairstyling; braiding and extensions; and wigs and hair additions: 300 hours;

(4) Chemical hair services, including chemical texture services; and hair coloring: 280 hours

(5) Esthetics and skin sciences, including physiology and histology of the skin; skin analysis; skin care products: chemistry, ingredients and selection; the treatment room; basic facial; facial massage, hair removal; advance topics and treatments; and makeup: 200 hours;

(6) Nail technology, including pre and post service procedures; performing basic manicures and pedicures; hand, lower arm, foot and lower leg massage; wraps, tips and paraffin wax treatments; polishing, light-cured gel polish and design; electric nail filing (8 hours); monomer liquid and polymer powder nail enhancement; light-cured gel enhancements; and creative design: 120 hours.

A minimum of 250 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each student must receive an additional 250 hours of education. The additional hours may be in areas that the school feels are necessary to supplement the basic course requirements for an individual student.

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; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003; 32 SDR 32, effective August 29, 2005; 39 SDR 129, effective January 28, 2013.

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

Law Implemented: SDCL 36-15-46.

20:42:06:10. Minimum number of instructors. A school shall have on-site one ~~senior~~ instructor for each ~~20~~ 15 students.

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; 39 SDR 129, effective January 28, 2013.

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

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

20:42:06:12. Required records and reports. Schools shall submit the following records and reports to the ~~secretary treasurer~~ commission office:

(1) The total clock or credit hours of education for each student ~~and clock or credit hours devoted to each course of study, including theoretical and practical.~~ The clock hour report must be submitted no later than the 10th day of each month following the education and the credit hour report must be submitted no later than ten days after the end of the quarter or semester; and

(2) ~~A final report~~ Notification of any student who leaves school before completing the education, submitted not later than 30 days from the ~~last day of education~~ date of termination; and

(3) ~~A signed, certified copy of the education the student took, showing the courses of study, clock hours or credit hours, and the total number of hours earned, up a student's completion of the course of education in a school or leaving the course before completing education.~~

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; 32 SDR 32, effective August 29, 2005; 33 SDR 226, effective July 1, 2007.

General Authority: SDCL 36-15-13(3).

Law Implemented: SDCL 36-15-13(3).

20:42:06:17. Field trips. A student may receive a maximum of 32 hours credit for cosmetology educational field trips, 16 hours credit for esthetic educational field trips, or 4 hours credit for nail technology educational field trips if the trip has been approved by the commission. For approval the school must complete a field trip form and attach a lesson plan. The students shall be accompanied by a ~~senior~~ instructor. One licensed ~~senior~~ instructor shall accompany no more than ~~20~~ 15 students.

Source: 29 SDR 176, effective July 1, 2003; 32 SDR 32, effective August 29, 2005; 33 SDR 226, effective July 1, 2007; 40 SDR 39, effective September 9, 2013.

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

Law Implemented: SDCL 36-15-29.1.

20:42:07:06. (Effective through December 31, 2018) Apprentice training in cosmetology.

Each cosmetology salon in which cosmetology apprentice training is being given must comply with the following:

(1) An apprentice may perform cosmetology services on a client only after 300 hours have been spent in classroom, theory, demonstrations, and practice; and

(2) Each apprentice must receive a total of 18 continuous and consecutive months of training during the apprenticeship. A month of training is a month in which the apprentice receives at least 40 hours of training each week with no more than 8 hours of training credits being allowed in any 1 day.

(Effective January 1, 2019) Apprentice training in cosmetology. Each cosmetology salon in which cosmetology apprentice training is being given must comply with the following:

(1) An apprentice may perform cosmetology services on a client only after 300 hours have been spent in classroom, theory, demonstrations, and practice; and

(2) Each apprentice must receive a total of ~~18 continuous and consecutive months~~ 2150 hours of training during the apprenticeship with vacation days and sick days being allowed in accordance with commission policy. ~~A month of training is a month in which the~~ The apprentice ~~receives~~ must receive at least 40 hours of training each week. ~~with no more than 8 hours of training credits being allowed in any 1 day.~~

Source: SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 23 SDR 25, effective August 26, 1996; 24 SDR 2, effective July 23, 1997; 29 SDR 176, effective July 1, 2003.

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

Law Implemented: SDCL 36-15-45 to 36-15-47.

20:42:07:07. (Effective through December 31, 2018) Apprentice curriculum in cosmetology. Each cosmetology apprentice during the course of the training must receive the following minimum hours of training in the branches of cosmetology:

(1) Safety and infection control procedures to include hygiene, hazards, disorders, and diseases: 150 hours;

(2) Scientific concepts to include chemistry, bacteriology, anatomy, and physiology: 300 hours;

(3) Hair coloring to include tinting, bleaching, highlighting, and tipping: 375 hours;

- (4) Chemical hair relaxing: 60 hours;
- (5) Haircuts: 475 hours;
- (6) Hairstyling, wave shaping, thermal curling, pincurling, shampooing, wigs, braiding, and scalp treatments including demonstrations: 500 hours;
- (7) Permanent waving: 250 hours;
- (8) Nail technology to include manicuring, pedicuring, artificial nails, and related services: 250 hours;
- (9) Massage manipulations to include scalp, head, neck, hands, arms, feet, and legs: 30 hours;
- (10) Esthetics to include facials, facial machines, body treatments, makeup application, hair removal, and eyebrow arching: 350 hours;
- (11) Cosmetology laws and administrative rules: 25 hours; and
- (12) Business practices to include salon management, booth management, salesmanship, and ethics: 60 hours.

A minimum of 350 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each apprentice must receive an additional 175 hours of training. The additional hours shall be in the areas that the ~~senior~~ instructor deems necessary to supplement the basic course requirements for an individual apprentice.

(Effective January 1, 2019) Apprentice curriculum in cosmetology. Each cosmetology apprentice during the course of the training must receive the following minimum hours of training in the branches of cosmetology:

~~—— (1) Safety and infection control procedures to include hygiene, hazards, disorders, and diseases: 150 hours;~~

~~—— (2) Scientific concepts to include chemistry, bacteriology, anatomy, and physiology: 300 hours;~~

~~—— (3) Hair coloring to include tinting, bleaching, highlighting, and tipping: 375 hours;~~

~~—— (4) Chemical hair relaxing: 60 hours;~~

~~—— (5) Haircuts: 475 hours;~~

~~—— (6) Hairstyling, wave shaping, thermal curling, pincurling, shampooing, wigs, braiding, and scalp treatments including demonstrations: 500 hours;~~

~~—— (7) Permanent waving: 250 hours;~~

~~—— (8) Nail technology to include manicuring, pedicuring, artificial nails, and related services: 250 hours;~~

~~—— (9) Massage manipulations to include scalp, head, neck, hands, arms, feet, and legs: 30 hours;~~

~~—— (10) Esthetics to include facials, facial machines, body treatments, makeup application, hair removal, and eyebrow arching: 350 hours;~~

~~—— (11) Cosmetology laws and administrative rules: 25 hours; and~~

~~—— (12) Business practices to include salon management, booth management, salesmanship, and ethics: 60 hours.~~

~~—— A minimum of 350 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each apprentice must receive an additional 175 hours of training. The additional hours shall be in the areas that the senior instructor deems necessary to supplement the basic course requirements for an individual apprentice.~~

(1) General infection control and professional standards, including infection control in a licensed facility; infection control standards and guidelines; infection control for implements and equipment; first aid; blood exposure standards; professional development; effective communication; human relations; business management/ownership; and state law: 200 hours.

(2) The science of cosmetology, hair, skin and nails, including health, safety and infection control; general anatomy and physiology; skin diseases, disorders and structure; properties of the hair and scalp; nail structure, growth, diseases and disorders; basics of chemistry; product chemistry; understanding the basics of electricity; and basic nutrition: 300 hours.

(3) General cosmetology, including principles of hair design; scalp care, shampooing and conditioning; haircutting; hairstyling; braiding and extensions; and wigs and hair additions: 600 hours.

(4) Chemical hair services, including chemical texture services, and hair coloring: 410 hours

(5) Esthetics and skin sciences, including physiology and histology of the skin; skin analysis; skin care products: chemistry, ingredients, and selection; the treatment room; basic facial; facial massage; hair removal; advance topics and treatments; and makeup: 250 hours.

(6) Nail technology, including pre and post service procedures; performing basic manicures and pedicures; hand, lower arm, foot, and lower leg massage; wraps, tips, and paraffin wax treatments; polishing, light-cured gel polish, and design; electric nail filing (8 hours); monomer liquid and polymer powder nail enhancement; light-cured gel enhancements; and creative design: 220 hours.

A minimum of 350 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each apprentice must receive an additional 170

hours of training. The additional hours shall be in the areas that the instructor deems necessary to supplement the basic course requirements for an individual apprentice.

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; 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(10).

Law Implemented: SDCL 36-15-45, 36-15-46.

20:42:07:07.01. Apprentice curriculum in nail technology. Each nail technology apprentice during the course of training must receive the following minimum hours of training in the branches of nail technology:

(1) Safety and infection control procedures to include hygiene, hazards, disorders, and diseases: 75 hours;

(2) Scientific concepts to include chemistry, bacteriology, anatomy, and physiology: 150 hours;

(3) Manicure, pedicure, and hand, lower arm, feet, and lower leg massage manipulations: 200 hours;

(4) Artificial nails to include sculptured nails, nail tips, nail wraps, and gel nails: 340 hours;

(5) Electric files or appliances: 20 hours;

(6) Cosmetology laws and administrative rules: 20 hours; and

(7) Business practices to include salon management, booth management, salesmanship, and ethics: 60 hours.

A minimum of 200 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each apprentice must receive an additional 35 hours of training. The additional hours shall be in areas that the ~~senior~~ instructor deems necessary to supplement the basic course requirements for an individual apprentice.

Source: 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(10).

Law Implemented: SDCL 36-15-45, 36-15-46.

20:42:07:09. Apprentice records and reports available for inspection by the commission. An ~~senior~~ instructor training an apprentice must have available for inspection by the commission the following records and reports relating to the apprentice:

- (1) A daily record showing hours of attendance and time devoted to each curriculum subject, and the ~~senior~~ instructor giving the instruction;
- (2) Worksheets and notebooks of the apprentice; and
- (3) Upon completion of training, a resume of the weekly reports giving total hours of each curriculum subject, showing the theoretical and practical time.

Source: SL 1975, ch 16, § 1; 6 SDR 10, effective August 12, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 23 SDR 25, effective August 26, 1996; 29 SDR 176, effective July 1, 2003.

General Authority: SDCL 36-15-13(11).

Law Implemented: SDCL 36-15-47, 36-15-48

20:42:07:10. Apprentice records and reports mailed to the commission. Any ~~senior~~ instructor training an apprentice shall send to the commission the following records and reports relating to the apprentice:

(1) Weekly reports listing the total hours of instruction and number of hours devoted to each curriculum item by the apprentice, divided into theoretical and practical hours. The report shall be certified by ~~a senior~~ an instructor who shall attest that the listed hours as shown on the weekly report were in fact completed by the apprentice and that this was done under the constant supervision, control, and direction of a licensed ~~senior~~ instructor. The report shall name the ~~senior~~ instructor of the curriculum hours listed. The report shall be mailed to the ~~supervising inspector~~ commission office not later than the fourth day following any calendar week of training;

(2) If an apprentice discontinues training, it shall be reported by the ~~senior~~ instructor to the executive director of the commission at the time of discontinuance. The ~~senior~~ instructor shall submit a record of the training completed by curriculum hours divided into theoretical and practical; and

(3) The ~~senior~~ instructor in charge of an apprentice shall provide any other information requested by the commission.

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; 28 SDR 24, effective August 28, 2001; 29 SDR 176, effective July 1, 2003.

General Authority: SDCL 36-15-13(11).

Law Implemented: SDCL 36-15-47, 36-15-48.

CHAPTER 20:42:08

INSTRUCTOR EDUCATION AND LICENSE SPECIFIC EDUCATION

REQUIREMENTS

Section

- 20:42:08:01 ~~Junior instructor education for initial licensure~~ Repealed.
- 20:42:08:01.01 ~~Junior instructor education program~~ Repealed.
- 20:42:08:02 ~~Junior instructor continuing education for renewal~~ Repealed.
- 20:42:08:03 ~~Senior instructor~~ Instructor education for initial licensure.
- 20:42:08:03.01 Repealed.
- 20:42:08:03.02 Substitute instructors.
- 20:42:08:04 ~~Senior instructor~~ 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 Pre-verification 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.
- 20:42:08:09 Education requirement to perform eyelash extensions.

~~**20:42:08:01. Junior instructor education for initial licensure.** To receive a junior instructor license, the applicant shall satisfactorily complete at least twelve hours of commission-approved education courses for instructors. Repealed.~~

~~**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 36-15-26, 36-15-26.2.~~

~~**Law Implemented:** SDCL 36-15-26, 36-15-26.2.~~

~~**20:42:08:01.01. Junior instructor education program.** If licensed as a junior instructor, the licensee must be enrolled in a commission-approved instructor education program that provides 1,000 clock hours of instruction.~~

~~The instructor education program shall include theory education and practice teaching in both the classroom and the clinic services in all areas of cosmetology, nail technology, or esthetics, as applicable. A textbook and workbook on instructor education shall be used as part of the education. Online educational courses may be part of the education program.~~

~~If the licensee discontinues the instructor education program, the instructor license immediately becomes invalid. If the instructor education program is discontinued, the applicable school shall contact the commission. The commission may grant a waiver of the junior instructor education program if the applicant has a teaching certificate from the South Dakota Department of Education. Repealed.~~

~~**Source:** 33 SDR 226, effective July 1, 2007; 39 SDR 129, effective January 28, 2013.~~

~~**General Authority:** SDCL 36-15-26, 36-15-26.2.~~

~~**Law Implemented:** SDCL 36-15-26, 36-15-26.2.~~

~~20:42:08:02. Junior instructor continuing education for renewal.~~ In order to renew a junior instructor license, the licensee shall provide official documentation that the licensee is enrolled in a commission-approved instructor education program. Repealed.

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 ~~36-15-26.1, 36-15-26.2.~~

Law Implemented: SDCL ~~36-15-26.1, 36-15-26.2.~~

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

(1) twelve hours of new instructor training;

(2) successfully pass the South Dakota Instructor Cosmetology Laws and Administrative Rules examination;

(3) a written theory examination approved by the commission and administered by the commission or its representatives.

The ~~commission may~~ instructor applicant may be ~~conditionally approve a senior instructor license to an applicant dependent upon the applicant completing~~ issued a conditional instructor license upon completion of twelve hours of new instructor training and successfully passing the South Dakota Instructor Cosmetology Laws and Administrative Rules examination. The instructor must pass the written theory examination within 90 days of being issued a conditional instructor license or the conditional license becomes invalid. Failure to successfully pass the instructor theory examination immediately invalidates the conditional instructor license and the instructor cannot

continue to instruct students until successfully passing the theory examination and being issued an instructor license. ~~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; 43 SDR 176, effective July 3, 2017.

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

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

20:42:08:03.02. Substitute Instructors. A cosmetology school licensed by the commission may hire a substitute instructor under the following conditions:

(1) Individual must be a licensed cosmetologist, esthetician or nail technician in the State of South Dakota. A cosmetologist may instruct in all of the education areas; an esthetician may only instruct in the area of esthetics; and a nail technician may only instructor in the area of nail technology;

(2) A substitute instructor can instruct 80 hours or less during a calendar year;

(3) The cosmetology school must notify the commission office as soon as the emergency need arises with the name of the substitute instructor and the hours the licensee will be instructing.

A substitute instructor cannot be otherwise employed by the school.

20:42:08:04. Senior instructor Instructor continuing education for renewal. A licensee renewing a ~~senior~~ an 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 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; 43 SDR 176, effective July 3, 2017.

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

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

20:42:08:04.01. Instructor education required to teach apprentices. ~~In addition to § 20:42:08:03 and before~~ Before a ~~senior~~ an instructor may train an apprentice, the ~~senior~~ instructor must complete the requirements of § 20:42:08:03, including successfully passing the instructor theory examination. ~~complete cosmetology teacher training as required pursuant to SDCL 36-15-25.2. The hours shall cover lesson plans, evaluation methods, and student management. The teacher training must be preapproved by the commission~~

Source: 31 SDR 62, effective November 4, 2004.

General Authority: SDCL 36-15-25.2.

Law Implemented: SDCL 36-15-25.2.