

South Dakota Cosmetology Commission

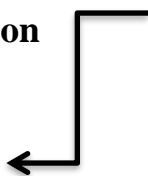
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2021

COS 
INFO

LICENSE RENEWAL INFORMATION

1. Visit our website to renew on-line using your credit or debit card, or
2. Send in the renewal form (bottom third of your license) with the renewal fee.
3. Each licensee must send in their own renewal and fees. We will not accept checks from a different individual. If sending cash or a money order, the licensee must provide a signed, notarized letter stating that they are authorizing the renewal of their license with the provided form of payment.
4. There is a \$20 late penalty if the license is not renewed by the expiration date -- birth date for personal licenses and salon/booth opening date.

You are allowed to renew your licenses early – many licensees renew in January every year.

SALON & BOOTH RENTAL INFORMATION

1. You must apply for a booth license if you rent a chair in a salon. (This means you are an independent contractor and are NOT an employee of the salon.)
2. Salon/booth licenses are not transferable to a new location. If you move to a new physical address, you must apply for a new salon or booth license and have it posted before you can work in the new location.
3. Salon and booth permits are not renewable. Once your new space is inspected, the Commission will send you a new license that is no longer in permit status.

Commission Members

Tami Stokes, President -- Lead
Renee Graf, Vice President – Watertown
Annette Petersen, Sec/Treas. – Hurley
Debbie Pageler, Public Mbr, Sisseton

Office Staff

Kate Boyd, Executive Director
Teresa Diederich, Program Assistant 1
Deborah Jensen, Senior Secretary

Inspectors

Nancy LaBrie – Northeastern area
Georgia Linn – Western area
Mary Rasmussen – Southeastern area

ONLINE SERVICES

Visit our website to:

1. Renew License(s)
2. Apply for a Salon/Booth License
3. Request a Certification (when transferring to a new state)

PLEASE PROVIDE YOUR EMAIL ADDRESS TO THE COMMISSION

...We now have the capability to send group email messages to our licensees. We will not share your email address with anyone but would like to include you in these important messages that we will send from time to time.

PROHIBITED PRODUCTS, EQUIPMENT AND PROCEDURES

The following products, equipment and procedures are prohibited from use:

1. Liquid monomer nail products containing methyl methacrylate monomers (MMA)
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
4. Roll on wax
5. Knives, razors and unguarded blades;
6. Razor-type callus shavers, credo blades, rasps, graters, or any other implements used to remove corns or calluses capable of cutting below the stratum corneum layer of the skin
7. Dermaplane procedures, dermabrasion procedures, ultrasound equipment, microneedling
8. UV sterilizers or light boxes are prohibited as infection control devices.

YOU CANNOT POST AN UNREGULATED SERVICES SIGN TO PERFORM ANY OF THE ABOVE SERVICES – THEY ARE STRICTLY PROHIBITED

ESTHETICS PROCEDURES AND SCOPE OF PRACTICE

The field of esthetics is rapidly expanding and changing. Several times a week the Commission office receives phone calls or emails from licensees who want to purchase a new piece of equipment or begin a new service and the licensee wants to know if they can perform the service with their esthetics or cosmetology license.

Often a sales representative will tell you that the equipment or procedure is legal in all fifty states. That may be true, but that does NOT mean that it is always legal for an esthetician to perform. You need to do your homework and find out how invasive the device or procedure is.

REMEMBER, no one licensed by the Cosmetology Commission can perform any service that goes below the nonliving cells of the stratum corneum of the epidermis.

Shown below is the South Dakota law that defines the practice of 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.

2021 COMMISSION MEETINGS

February 19 – Video-Conference

April 8 & 9 – Watertown & Sioux Falls

July 16 – Pierre

September 24 – Rapid City

December 10 – Video-Conference

Meeting dates subject to change

LICENSE CERTIFICATION EDUCATION HOURS

* Electric Nail File – 8 Hours

* Eyelash Extensions – 16 Hours

* Microdermabrasion – 16 Hours

The certification must be displayed on your cosmetology, nail technician, or esthetics license, as applicable. Visit our website for a list of preapproved education providers.

UNREGULATED SERVICES SIGN

If your salon offers any services that are not regulated by the Cosmetology Commission, you must post an Unregulated Services Sign. The purpose of the sign is to alert your clients to the fact that the Cosmetology Commission does not regulate that services. The sign does not mean that no agency regulates the service, but that the Cosmetology Commission does not regulate the service.

Some of those services that you must post as unregulated include:

- Microblading – is considered tattooing which falls under the SD Department of Health. You should also check with your municipal or county government to see if they regulate tattooing
- Permanent Makeup – also considered tattooing
- Massage Therapy
- Tanning Beds
- Permanent Hair Removal

COMMISSION APPROVED SPECIAL EVENTS

South Dakota Cosmetology Law 36-15-54 allows for certain exceptions to allow a licensee, within the scope of practice of their license, to perform certain cosmetology services outside a licensed salon or booth. The special events exemption is not intended to be used for regular salon services for the convenience of the customer. The law states:

Special events: a licensee may practice limited services within the scope of the license for special events, such as weddings, fashion shows, school dances, professional photography sessions, or other events approved by the commission, so long as the licensee documents the service through a salon or booth. The limited services that may be performed at such special events are the following: the nonpermanent manipulation of the hair, such as styling, wrapping, arranging, braiding, twisting, weaving, extending, fusing, dressing, curling, setting, and straightening; the application of nail polish to the nails; and the application of makeup to the skin.

In addition to the services listed in the above law, the law allowed the Commission to expand the list of special events that may be performed outside a licensed salon. The complete list of approved special events includes:

1. Weddings
2. Fashion Shows
3. School Dances
4. Professional photography sessions
5. Bridal shows
6. Plays/dance recitals/musicals
7. Festivals and fairs
8. Sturgis rally
9. Beauty pageants
10. Television and movie filming
11. Community events to educate the public to perform their own personal cosmetic care
12. Birthday parties

WHAT CONSTITUTES PAYMENT FOR COSMETOLOGY, ESTHETICS AND NAIL TECHNOLOGY

SERVICES? South Dakota laws 36-15-2, 36-15-2.2, and 36-15-17.2 state that “A person in engaged in the practice of cosmetology, esthetics, or nail technology, respectively, if that person, for compensation, a fee, or any valuable consideration engages in one of the named practices...”

Compensation, a fee, or any valuable consideration includes more than you stating a specific fee for your service. It also includes tips, gift cards, and bartering of services. **You cannot use the fact that you did not charge a fee for your service and the client gifts you what they deem appropriate to avoid the requirement to perform services in a licensed salon or booth.**

2020 CONSENT AGREEMENTS & COMMISSION ORDERS

Southeastern Hair Design and Day Spa, Sioux Falls. Violation: Allowing unlicensed individuals to perform services in the salon, as well as operating in unsanitary conditions. Consent Agreement--14 days active suspension for the salon license or a fee of \$300.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections.

Ghusoon Al Hachima, Sioux Falls. Violation: performing services in a salon without first obtaining the proper licensure. Consent Agreement--7 days active suspension for her personal license; or a fee of \$50.00 for the immediate reinstatement of her personal license.

Bethany Ophiem, Sioux Falls. Violation: performing services in a salon without first obtaining the proper licensure. Consent Agreement--7 days active suspension for her personal license; or a fee of \$50.00 for the immediate reinstatement of her personal license.

Sandy's Beauty Salon, Sioux Falls. Violation: Allowing an unlicensed individual to preform services in the salon on two occasions as well as operating in unsanitary conditions. Consent Agreement--30 days active suspension for the salon license; or a fee of \$300.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections; Any Cosmetologists, nail technicians or estheticians working at Sandy's Beauty Salon shall take and pass the Infection Control Online Class sponsored by Milady.

Estetica Unisex MIA LLC, Sioux Falls. Violation: Allowing an unlicensed individual to perform services in the salon. Consent Agreement--14 days active suspension for the salon license or a fee of \$300.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections

Nails Art LLC Salon, Sioux Falls. Violation: Service provider did not follow proper safety and infection control procedures while performing a nail service in the salon. Consent Agreement--30 days active suspension for the salon license or a fee of \$600.00 for the immediate reinstatement of the salon license.

Milan Nail Studio, Vermillion. Violation: Allowing an unlicensed individual to perform services in the salon. Consent Agreement--14 days active suspension for the salon license or a fee of \$300.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections

Dani Dahme, Britton. Violation: Allowed her personal license to lapse for 5 months. Consent Agreement--10 days active suspension for the personal license; or a fee of \$125.00 for the immediate reinstatement of the personal license.

Colley Cuts Salon, Sioux Falls. Violation: Allowed the salon license to lapse for 9 months. Consent Agreement--10 days active suspension for the salon license or a fee of \$225.00 for the immediate reinstatement of the salon license.

Tanya Peterson, Philip. Violation: Allowed her personal license to lapse for 5 months. Consent Agreement--10 days active suspension for the personal license or a fee of \$125.00 for the immediate reinstatement of the personal license.

Mandy Zerr, Pierre. Violation: Allowed her personal license to lapse for 10 months. Consent Agreement--15 days active suspension for the personal license or a fee of \$250.00 for the immediate reinstatement of the personal license.

Tammy Merchen and Tammy's Tresses, Kadoka. Violation: Allowed her personal and salon license to lapse for 11 months. Consent Agreement--15 days active suspension for the personal license or a fee of \$275.00 for the immediate reinstatement of the personal and salon license.

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2020 Consent Agreements & Commission Orders – (Cont from page 4)

Kristin Legrand and Kristin Legrand Booth, Sioux Falls. Violation: Allowed her personal license to lapse for 7 months and booth license to lapse for 11 months. Consent Agreement--10 days active suspension for the personal license and 15 days active suspension of the booth license or a fee of \$275.00 for the immediate reinstatement of the personal and booth license.

Amanda Harr Booth, Aberdeen. Violation: Allowed her booth license to lapse for 4 months. Consent Agreement--5 days active suspension for the booth license or a fee of \$100.00 for the immediate reinstatement of her booth license.

Main Attractions by Kim, Wilmont. Violation: Allowed the salon license to lapse for 4 months. Consent Agreement--5 days active suspension for the salon license or a fee of \$100.00 for the immediate reinstatement of the salon license.

Aimee Nonnast, Rapid City. Violation: Allowed her personal license to lapse for 5 months. Consent Agreement--10 days active suspension for the personal license or a fee of \$125.00 for the immediate reinstatement of the personal license.

Brooke Schultz Booth, Sioux Falls. Violation: Allowed her booth license to lapse for 5 months. Consent Agreement--10 days active suspension for the booth license or a fee of \$125.00 for the immediate reinstatement of the booth license.

Lindsey Faini Booth, Sioux Falls. Violation: Allowed her booth license to lapse for 9 months. Consent Agreement--15 days active suspension for the booth license or a fee of \$225.00 for the immediate reinstatement of the booth license.

Kathryn Ellingson, New Effington. Violation: Allowed her personal license to lapse for 4 months. Consent Agreement--5 days active suspension for the personal license or a fee of \$100.00 for the immediate reinstatement of the personal license.

Carmen Van Dyke Booth, Canton. Violation: Allowed her booth license to lapse for 4 months. Consent Agreement--5 days active suspension for the booth license or a fee of \$100.00 for the immediate reinstatement of the booth license.

The Mop Shop, Murdo. Violation: Allowed the salon license to lapse for 5 months. Consent Agreement--10 days active suspension for the salon license or a fee of \$125.00 for the immediate reinstatement of the salon license.

Nancy Soll, Irene. Violation: Allowed her personal license to lapse for 5 months. Consent Agreement--10 days active suspension for the personal license or a fee of \$125.00 for the immediate reinstatement of the personal license.

Deborah Aduddell, Rapid City. Violation: Allowed her personal license to lapse for 4 months. Consent Agreement--5 days active suspension of the booth license or a fee of \$100.00 for the immediate reinstatement of the personal license.

Nichole Wood and Nichole Wood Booth, Sioux Falls. Violation: Allowed her personal and booth license to lapse for 8 months. Consent Agreement--10 days active suspension of the personal and booth license or a fee of \$200.00 for the immediate reinstatement of the personal and booth license.

Kayla Hanson, Faulkton. Violation: Allowed her personal license to lapse for 4 months. Consent Agreement--5 days active suspension of the booth license or a fee of \$100.00 for the immediate reinstatement of the personal license.

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2020 Consent Agreements & Commission Orders – (Cont from page 5)

Melanie Willemsen Booth, Sioux Falls. Violation: Allowed her booth license to lapse for 10 months. Consent Agreement--10 days active suspension of the personal and booth license or a fee of \$125.00 for the immediate reinstatement of the personal and booth license.

Linda Maclauchlin Keen Booth and Salon 5, Yankton and Tyndall. Violation: Allowed her booth license to lapse for 7 months and salon license to lapse for 4 months. Consent Agreement--5 days active suspension of the salon license and 10 days active suspension for the booth license or a fee of \$175.00 for the immediate reinstatement of the salon and booth license.

Jennifer Sedlacek and Jennifer Sedlacek Booth, Yankton. Violation: Allowed her personal and booth license to lapse for 4 months. Consent Agreement--5 days active suspension of the personal and booth license or a fee of \$100.00 for the immediate reinstatement of the personal and booth license.

Luann Kroh, Rapid City. Violation: Allowed her personal license to lapse for 5 months. Consent Agreement--10 days active suspension of the personal license or a fee of \$125.00 for the immediate reinstatement of the personal license.

Willow Salon LLC, Rapid City. Violation: Allowed the salon license to lapse for 9 months. Consent Agreement--15 days active suspension of the salon license or a fee of \$225.00 for the immediate reinstatement of the salon license.

Darsha Cecil Booth, Spearfish. Violation: Allowed her booth license to lapse for 4 months. Consent Agreement--5 days active suspension of the booth license or a fee of \$100.00 for the immediate reinstatement of the booth license.

Kayla Mellema Booth, Sioux Falls. Violation: Allowed her booth license to lapse for 4 months. Consent Agreement--5 days active suspension of the booth license or a fee of \$100.00 for the immediate reinstatement of the booth license.

Branding 605 Salon, Piedmont. Violation: Allowed the salon license to lapse for 4 months. Consent Agreement--5 days active suspension of the salon license or a fee of \$100.00 for the immediate reinstatement of the salon license.

Christy Talley Booth, Sturgis. Violation: Allowed her booth license to lapse for 8 months. Consent Agreement--10 days active suspension of the booth license or a fee of \$200.00 for the immediate reinstatement of the booth license.

Amber Sandve and Booth, Aberdeen. Violation: Allowed her personal license to lapse for 8 months and her booth license to lapse for 7 months. Consent Agreement--10 days active suspension of the personal and booth license or a fee of \$244.00 for the immediate reinstatement of the personal and booth license.

Haley Nehl, Watauga. Violation: Allowed her personal license to lapse for 7 months. Consent Agreement--10 days active suspension of the personal license or a fee of \$175.00 for the immediate reinstatement of the personal license.

Michelle Whitlock and Booth, Watertown. Violation: Allowed her personal license to lapse for 7 months and her booth license to lapse for 5 months. Consent Agreement--10 days active suspension of the personal and booth license or a fee of \$225.00 for the immediate reinstatement of the personal and booth license.

Kimberly Jones Booth, Sioux Falls. Violation: performing services in a salon without first obtaining the proper licensure. Consent Agreement--15 days active suspension of the booth license or a fee of \$250.00 for the immediate reinstatement of the booth license.

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2020 Consent Agreements & Commission Orders – (Cont from page 6)

Belle Ame Salon, Sioux Falls. Violation: Allowing individuals to perform services in the salon without having the proper licensure. Consent Agreement--14 days active suspension for the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections.

Tiffany Kautz Booth, Sioux Falls. Violation: performing services in a salon without first obtaining the proper licensure. Consent Agreement--3 days active suspension of the booth license or a fee of \$315.00 for the immediate reinstatement of the booth license.

Oscar Nails and Spa, Huron. Violation: Allowing an unlicensed individual to perform services in the salon, using the electric file without the proper certification and operating in unsanitary conditions. Consent Agreement--14 days active suspension of the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections. Any Cosmetologists or Nail Technicians working at Oscar Nails and Spa shall take and pass the Infection Control Online Class sponsored by Milady.

K Nails and Beauty Bar, Spearfish. Violation: Allowing an unlicensed individual to perform services in the salon. Consent Agreement--14 days active suspension of the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections.

Kalli Bell and Kalli Bell Booth, Sioux Falls. Violation: Allowed her personal license to lapse for 4 months and booth license to lapse for 3 months. Consent Agreement--5 days active suspension of the personal and booth license or a fee of \$125.00 for the immediate reinstatement of the personal and booth license.

Nancy Cutler, Groton. Violation: Allowed her personal license to lapse for 11 months. Consent Agreement--15 days active suspension of the personal license or a fee of \$275.00 for the immediate reinstatement of the personal license.

Permanent Makeup by Tasia, Rapid City. Violation: Allowed the salon license to lapse for 16 months. Consent Agreement--30 days active suspension of the salon license or a fee of \$400.00 for the immediate reinstatement of the salon license.

Jacquelyne Uhl, Hot Springs. Violation: Allowed her personal license to lapse for 10 months. Consent Agreement--15 days active suspension of the personal license or a fee of \$250.00 for the immediate reinstatement of the personal license.

Jill Navratil, Sioux Falls. Violation: Allowed her personal license to lapse for 9 months. Consent Agreement--15 days active suspension of the personal license or a fee of \$225.00 for the immediate reinstatement of the personal license.

Pazzazz Hairstyling, Miller. Violation: Allowing individuals to perform services in the salon without having the proper licensure. Consent Agreement--15 days active suspension of the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license and \$200.00 for additional inspections.

Jomsri Schaefers, Orient. Violation: Allowed her personal license to lapse for 12 months. Consent Agreement--15 days active suspension of the personal license or a fee of \$300.00 for the immediate reinstatement of the personal license.

Makayla McFarlane, Miller. Violation: Allowed her personal license to lapse for 12 months. Consent Agreement--30 days active suspension of the personal license or a fee of \$325.00 for the immediate reinstatement of the personal license.

Mary Lou Urban, Presho. Violation: Allowed her personal license to lapse for 11 months. Consent Agreement--15 days active suspension of the personal license or a fee of \$275.00 for the immediate reinstatement of the personal license.

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2020 Consent Agreements & Commission Orders – (Cont from page 7)

Tory Mohnen and Tory Mohnen Booth, White Lake. Violation: Allowed her personal license to lapse for 12 months and booth license to lapse for 13 months. Consent Agreement--30 days active suspension of the personal and booth license or a fee of \$400.00 for the immediate reinstatement of the personal and booth license.

Prestige Hair Designs, Mitchell. Violation: Allowing an individual to perform services in the salon without having the proper licensure. Consent Agreement--15 days active suspension of the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license.

Dow Rummel Village Salon, Sioux Falls. Violation: Allowed the salon license to lapse for 9 months. Consent Agreement--15 days active suspension of the salon license or a fee of \$225.00 for the immediate reinstatement of the salon license.

Ricci Simon Booth, Aberdeen. Violation: Allowed her booth license to lapse for 11 months. Consent Agreement--15 days active suspension of the booth license or a fee of \$275.00 for the immediate reinstatement of the booth license.

Trisha Javers and Trisha Javers Booth, Sioux Falls. Violation: Allowed her personal license to lapse for 14 months and booth license to lapse for 16 months. Consent Agreement--30 days active suspension of the personal and booth license or a fee of \$490.00 for the immediate reinstatement of the personal and booth license.

Rachel Guenther and Rachel Guenther Booth, Sioux Falls. Violation: Allowed her personal license to lapse for 6 months and booth license to lapse for 2 months. Consent Agreement--5 days active suspension of the booth license and 10 days active suspension of the personal license or a fee of \$165.00 for the immediate reinstatement of the personal and booth license.

The Upper Cut Salon, Sioux Falls. Violation: Allowing an individual to perform services in the salon without having the proper licensure. Consent Agreement--14 days active suspension of the salon license or a fee of \$250.00 for the immediate reinstatement of the salon license.

Sharp Shears Salon, Yankton. Violation: Allowed the salon license to lapse for 5 months. Consent Agreement--10 days active suspension of the salon license or a fee of \$125.00 for the immediate reinstatement of the salon license.

Danica Johnsen, Sioux Falls. Violation: Allowed her booth license to lapse for 9 months. Consent Agreement--15 days active suspension of the booth license or a fee of \$225.00 for the immediate reinstatement of the booth license.

Vanessen Hair Design, Sioux Falls. Violation: Allowing an individual to perform services in the salon without having the proper licensure. Consent Agreement--14 days active suspension for the salon license or fee of \$250.00 for the immediate reinstatement of the salon license.

HAIR WILL GROW AND SALES TAX WILL COME DUE

- If you are not a W2 employee, you must have a sales tax license with the state.
 - ✓ This includes salon owners, independent contractors, booth renters, or individuals operating a business out of their home.
- Go to DOR.SD.GOV and click on TAX APPLICATION.
- Keep us updated on your business location by emailing us at bustax@state.sd.us or calling us at 1-800-829-9188.
- File sales tax returns online using your mobile phone with EPath at sd.gov/epath!

