

CosInfo

2014

Annual News for South Dakota Cosmetologists,
Estheticians, and Nail Technicians

South Dakota Cosmetology Commission
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LICENSE RENEWAL

PERSONAL LICENSE – \$20 Renewal Fee

Renews annually on or before your birth date.

SALON OR BOOTH LICENSE – \$35 Renewal Fee

Renews annually on or before anniversary of opening date.

PENALTY FOR LATE RENEWAL – \$20 Penalty Fee

The \$20 penalty fee is assessed for each year a license is not renewed by the expiration date shown on the license. There is no grace period if the expiration date is missed. **To avoid the \$20 penalty fee, remember to have your renewal postmarked on or before the expiration date.**

You may still renew any license in January or wait until the expiration date on your license(s).

You may renew your personal license and salon or booth license at the same time. In order to avoid the \$20 penalty, be sure you renew before the expiration date of whichever license expires first each year.

Some licensees have told us that they mark their appointment calendars so they remember to renew well in advance of the expiration date.

SALONS & BOOTH RENTAL INFORMATION

1. You need to apply for a booth license if you rent space in a salon. (This means that you own your own business and are not an employee of the salon.)
2. **Booth and salon licenses are NOT transferable. If you move your booth to a new salon, or if the salon moves, you must apply for a new salon or booth license. Your new salon or booth license must be posted in the new salon when you begin working at that location. We recommend that you send in your application and \$60 permit fee 2-3 weeks before starting work in the new location.**
3. The application fee for a new salon or booth permit is \$60. You will be issued a temporary permit and an inspector will inspect your salon or booth within the first 90 days of opening. After your salon or booth passes inspection, you will be issued a license that you must renew each year on the anniversary of your salon or booth opening. Renewal fee is \$35.
4. A salon will fail its annual inspection if all licenses (including booth rental licenses) are not current. A re-inspection fee of \$50 will be imposed if your salon or booth requires a follow-up inspection.
5. If you close your salon or booth, you are required to contact the Cosmetology Commission office to let us know.

SPECIAL EVENTS EXEMPTION

South Dakota cosmetology law 36-15-54 was amended during the 2014 Legislative Session to allow certain limited cosmetology-related services including styling hair, applying make-up and painting fingernails and toenails to be performed by licensees (within the scope of their license) outside a licensed salon for weddings, professional photography sessions, school dances and other Commission-approved special events. The services must be documented through a licensed salon or booth.

The new law went into effect July 1, 2014. In addition to the specific special events noted above, the Commission has approved the following other special events: (1) Bridal Shows, (2) Plays, Musicals and Dance Recitals, (3) Community Festivals and Fairs, (4) Beauty Pageants, (5) Television and Movie Filming, (6) Sturgis Motorcycle Rally, and (7) Community events to educate the public to perform their own personal cosmetic care. **The special event exemption does NOT allow cosmetology services to be performed in a home for the convenience of the client or at group parties.** Any other proposed special events not listed above will need to be approved by the Cosmetology Commission prior to being conducted outside a licensed salon.

ONLINE RENEWAL OF LICENSES

The Cosmetology Commission is currently working on a project that will allow our licensees to renew their personal, salon, and booth licenses online. We anticipate the on-line renewal being active on our website in the Fall of 2014. Please visit our website at the address shown below or contact the Commission office by phone.

Website:
<http://cosmetology.sd.gov>

Phone: 605/773-6193

COSMETOLOGY COMMISSION

Lois Porch, President
Philip
Tammy Ugofsky, Vice President
Yankton
Nora Slykhuis, Secretary-Treasurer
Custer
Lori Berreth
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Pierre
Karen Dossett, Inspector
Central & Northeastern Area
Mary Rasmussen, Inspector
Southeastern Area
Georgia Linn
Western/Rapid City Area

Salon & Booth Inspection Failures

If you fail your salon or booth inspection,
a \$50 re-inspection fee will be imposed.

LICENSE RENEWALS

July 1, 2012 - June 30, 2013

Personal Licenses - 5977
Salon/Booth Licenses - 1706

July 1, 2011 - June 30, 2012

Personal Licenses - 5,793
Salon/Booth Licenses - 1,739

Commission Meetings

for the remainder of 2014
September 25, 2014 - Sioux Falls

Meeting schedule subject to change.

Education Required for Electric Files & Microdermabrasion Machines

A licensee must have education **BEFORE** using an electric file/drill or a microdermabrasion machine.

Electric files require 8 hours of education. Microdermabrasion requires 16 hours of education.

YOU MUST SEND IN PROOF OF YOUR EDUCATION TO THIS OFFICE and it will be printed on your license.

If the inspector sees you using these machines, and it is not certified on your license, your salon or booth will fail its inspection.

Please call the office for further information on a list of schools where you can receive this education in South Dakota.

Moving to Another State?

If you are moving to another state, you will need to contact that state to find out what is required to obtain your license. Most states require a certification of licensure from every state where you have ever been licensed.

To request a certification of your South Dakota cosmetology license, you will need to send our office a written request that includes the following information:

- Your Name, Address, Phone
- South Dakota license # or social security number
- State where the certification should be sent
- \$20.00 certification fee

Occupational Safety & Health Administration (OSHA)

Most salon and school owners are aware and follow the South Dakota Cosmetology Commission laws and rules, but many are unaware that they must also comply with the Occupational Safety & Health Administration (OSHA) standards. It is worth noting that every salon, no matter what services are offered must comply with OSHA standards. The following information is shown here to help salon and school owners be proactive to avoid citations and financial penalties in the event you are inspected by OSHA.

Under the OSHA Act of 1970, employers are responsible for providing safe and healthy workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://osha.gov>.

Nail Salons

More than 375,000 nail technicians work in salons across the U.S. and face possible health hazards every day including, exposure to chemicals from glues, polishes, removers, and other salon products; muscle strains from awkward positions or repetitive motions; and risk of infection from contact with client skin, nails, or blood. OSHA has developed a publication entitled, "[Nail Salon Workers: Stay Healthy and Safe While Giving Manicures and Pedicures](#)." Copies can be obtained free of charge by visiting <http://osha.gov> and choosing Publications from the top menu choices and then click on "N" for nails.

Facts About Formaldehyde in Hair Products

OSHA has found that some hair smoothing products may contain formaldehyde, may release formaldehyde at levels above OSHA's permissible limits during use, and may be mislabeled, all of which can pose health risks to salon employees. Salons and other employers, such as beauty schools, that use hair smoothing products that contain or may release formaldehyde must follow the requirements in OSHA's formaldehyde and hazard communication standards. See: <http://www.osha.gov/SLTC/hairsalons/index.html>.

How OSHA Can Help

Salon owners can contact OSHA's free and confidential Consultation Program to help identify and fix hazards in their workplace. On-site consultations do not result in citations or penalties. To contact OSHA's Consultation Program, visit <http://osha.gov> or call 1-800-321-6742.

DISCIPLINARY ACTIONS

The following disciplinary actions have become effective since the last newsletter. (A consent agreement is an agreement between licensee and the Cosmetology Commission settling a case without proceeding to a formal hearing. Consent agreements may include suspension, safety course, additional inspections, and probation, as well as reimbursement of costs.)

#1 NAILS, Sioux Falls - Ngoc Lan Thi Nguyen, Owner. Violation - allowing an unlicensed individual to perform nail technician services in salon, offering a monetary bribe to Commission Inspector. Consent Agreement - salon license suspended for 14 days; Ngoc Nguyen license suspended for 14 days; owner successfully pass State Laws/Safety & Infection Control Course and exam; additional inspections for one year.

NAIL STUDIO SALON, Sioux Falls - Kelly Vuong Owner. Violation - allowing an unlicensed individual to perform nail technician services in salon. Consent Agreement - salon license suspended for 7 days; Kelly Vuong license suspended for 7 days; owner successfully pass State Laws/Safety & Infection Control Course and exam; additional inspections for one year.

YOUR SCOPE OF PRACTICE

COSMETOLOGY includes hair (including non-permanent hair removal, waxing), nails (manicures, pedicures, and artificial nails), and esthetics services (facials, body wraps).

NAIL TECHNOLOGY includes manicures, pedicures, and artificial nails. **Nail technicians CANNOT perform hair removal (waxing).**

ESTHETICS includes any type of skin services for beautification – and includes the whole body, not just the face. Body scrubs and body wraps are allowed.

All details on our website.

Disinfectant Required At All Work Stations. . . Remember, you must have disinfectant at all work stations within the salon. If you have questions, please read your Administrative Rules book or call the Commission office at 605/773-6193.