

## South Dakota Cosmetology Commission

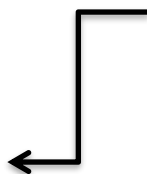
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# 2020

# COS INFO

### COSMETOLOGY ADMINISTRATIVE RULES CHANGES

During 2019 the Cosmetology Commission made several revisions to the administrative rules. Infection control rules were an important part of the revised rules. Some things to remember regarding safety and infection control:

- All waste containers must be closed and labeled and must be emptied as needed during business hours and emptied at the time of closing.
- 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.
- A salon cannot keep closed plastic bags in the salon containing files, buffers, etc. for each of your nail clients. You also cannot let the client bring in their own files, buffers or implements.
- You must have separate closed, labeled containers for clean/disinfected implements and dirty implements.

***Copies of the updated South Dakota Cosmetology Laws/Rules book are available by sending \$2.00 to the SD Cosmetology Commission, 500 E Capitol Ave, Pierre SD 57501.***

### 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.

WITH THE CHANGE IN FEES EFFECTIVE JANUARY 1, 2020, YOU WILL NEED TO MAIL IN ANY LICENSE RENEWAL FEES FOR 2019 OR PREVIOUS YEARS. OUR ONLINE LICENSE RENEWAL CANNOT DIFFERENTIATE BETWEEN THE DIFFERENT FEES.

***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.

### ONLINE SERVICES

Visit our website to:

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

### 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

### 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.

### **2020 COMMISSION MEETINGS**

January 24 – Pierre

April 17 – Watertown

June 19 – Pierre

September 25 – Rapid City

December 11 – Conference Call

*Meeting dates subject to change*

### **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

### **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.

## **2019 CONSENT AGREEMENTS & COMMISSION ORDERS**

Rustic Razor Salon, Woonsocket- Amanda Kilcoin. Violation- Allowed the salon license to lapse for four months and her personal license to lapse for two months. Consent Agreement- No active suspension for the salon license; the Commission imposes a penalty of \$150 for the immediate reinstatement of Ms. Kilcoin's personal and salon licenses.

Katrina Rice, Rapid City. Violation- Allowed her personal license to lapse for ten months. Consent Agreement- No active suspension for her personal license; The Commission imposes a penalty of \$250 for the immediate reinstatement of her personal license.

Bethany Josephsen Booth, Sioux Falls. Violation- Allowed her booth license to lapse for four months. Consent Agreement- No active suspension for her booth license; The Commission imposes a penalty of \$100 for the immediate reinstatement of her booth license.

Marissa Ageton Booth, Sioux Falls. Violation- Allowed her booth license to lapse for four months. Consent Agreement- No active suspension for her booth license; The Commission imposes a penalty of \$100 for the immediate reinstatement of her booth license.

Victoria Huber Booth, Sturgis. Violation- Allowed her booth license to lapse for nine months. Consent Agreement- No active suspension for her booth license; The Commission imposes a penalty of \$225 for the immediate reinstatement of her booth license.

Cut Rite Salon, Sioux Falls. Violation- Allowed the salon license to lapse for six months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$150 for the immediate reinstatement of the salon license.

Hally Hopkins, Wilmont. Violation- Allowed her personal license to lapse for four months. Consent Agreement- No active suspension for her personal license; The Commission imposes a penalty of \$100 for the immediate reinstatement of her personal license.

A Cut Above Salon, Mitchell. Violation- Allowed the salon license to lapse for five months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$125 for the immediate reinstatement of the salon license.

The Hairline Salon, Dell Rapids. Violation-Allowed the salon license to lapse for ten months. Consent Agreement-No active suspension for the salon license; The Commission imposes a penalty of \$250 for the immediate reinstatement of the salon license.

Posh Nail Bar & Spa Salon, Sioux Falls. Violation- Allowed the salon license to lapse for nine months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$225 for the immediate reinstatement of the salon license.

Corley Berkner, Milbank. Violation- Allowed her personal license to lapse for six months. Consent Agreement- No active suspension for her personal license; The Commission imposes a penalty of \$150 for the immediate reinstatement of her personal license.

The Sassie Spur Salon, White Lake. Violation- Allowed the salon license to lapse for six months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$150 for the immediate reinstatement of the salon license.

Wildflower Salon & Spa, Onida. Violation- Allowed the salon license to lapse for eleven months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$125 for the immediate reinstatement of the salon license.

Leah Muhm Booth, Spearfish. Violation- Allowed her booth license to lapse for four months and her personal license to lapse for ten months. Consent Agreement- No active suspension for her personal and booth licenses; The Commission imposes a penalty of \$350 for the immediate reinstatement of her booth and personal licenses.

Kellie Gillen, Plankinton. Violation- Allowed her personal license to lapse for five months. Consent Agreement- No active suspension for her personal license; The Commission imposes a penalty of \$125 for the immediate reinstatement of her personal license.

Hair with Flair Salon, Gettysburg. Violation- Allowed the salon license to lapse for four months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$100 for the immediate reinstatement of the salon license.

Prairie Cottage Nails Salon, Mission. Violation- Allowed the salon license to lapse for six months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$150 for the immediate reinstatement of the salon license.

The Palm Salon, Vermillion- Brooklyn Lundin. Violation- Operating a salon without first obtaining the correct license. Consent Agreement- No active suspension for the salon license; The Palm Salon will pay \$150 for the immediate reinstatement of the salon license.

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## **2019 CONSENT AGREEMENTS & COMMISSION ORDERS - Continued**

Leah Muhm Booth, Spearfish. Violation- Allowed her booth license to lapse for four months and her personal license to lapse for ten months. Consent Agreement- No active suspension for her personal and booth licenses; The Commission imposes a penalty of \$350 for the immediate reinstatement of her booth and personal licenses.

Kellie Gillen, Plankinton. Violation- Allowed her personal license to lapse for five months. Consent Agreement- No active suspension for her personal license; The Commission imposes a penalty of \$125 for the immediate reinstatement of her personal license.

Hair with Flair Salon, Gettysburg. Violation- Allowed the salon license to lapse for four months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$100 for the immediate reinstatement of the salon license.

Prairie Cottage Nails Salon, Mission. Violation- Allowed the salon license to lapse for six months. Consent Agreement- No active suspension for the salon license; The Commission imposes a penalty of \$150 for the immediate reinstatement of the salon license.

The Palm Salon, Vermillion- Brooklyn Lundin. Violation- Operating a salon without first obtaining the correct license. Consent Agreement- No active suspension for the salon license; The Palm Salon will pay \$150 for the immediate reinstatement of the salon license.

Paris Nails Salon, Rapid City. Violation- Allowed unlicensed individuals perform services on two occasions. Consent Agreement- No active suspension for the salon license; Paris Nails Salon will pay \$850 for the immediate reinstatement of the salon license; \$150 for additional inspections; Staff of the salon must take and achieve a score of 80% or higher on the administrative laws and rules.

Bella Spa Salon, Sioux Falls. Violation- Allowed an unlicensed individual to perform services in the salon. Consent Agreement- No active suspension for the salon license; Bella Spa Salon will pay \$300 to the Commission for the immediate reinstatement of the salon license; \$200 for additional inspections.

Nails Time Salon, Sioux Falls. Violation- Owner of the salon performed services in the salon prior to having a license. Consent Agreement- No active suspension for the salon license; Nails Time Salon will pay \$850 to the Commission for the immediate reinstatement of the salon license; \$150 for the cost of additional inspections.

Teoni Taylor Booth, Rapid City. Violation- Allowed the booth license to lapse for twenty-one months. Consent Agreement- No active suspension for her booth license; The Commission imposes a penalty of \$525 for the immediate reinstatement of her booth 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](http://DOR.SD.GOV) and click on TAX APPLICATION.
- Keep us updated on your business location by emailing us at [bustax@state.sd.us](mailto: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](http://sd.gov/epath)!



## **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 get around the requirement to perform services in a licensed salon or booth.