

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

607C0533

## HOUSE ENGROSSED NO. **HB1099** - 2/3/99

Introduced by: Representatives Peterson, Duniphan, Fiegen, Fischer-Clemens, Koehn, Konold, Patterson, Solum, and Sutton (Duane) and Senators Daugaard, Lawler, Madden, Paisley, and Shoener

1 FOR AN ACT ENTITLED, An Act to revise the exemptions to the practice of cosmetology.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 36-15-2 be amended to read as follows:

4 36-15-2. Any person ~~or persons~~, who for compensation, a fee, or any valuable consideration,  
5 engages in any ~~one or all~~ of the following practices or arts ~~shall be understood to be~~ is engaged  
6 in the practice of cosmetology, ~~to wit: Any person who engages in the practice or art of:~~  
7 dressing, curling, waving, permanent waving, cleaning, cutting, singeing, bleaching, setting,  
8 fitting, coloring, or similar work upon the hair or wigs of any person by any means, or who, with  
9 hands, mechanical, or electrical apparatus, or any other appliances, or by use of cosmetic  
10 preparations or antiseptics, engages in the practice or art of massaging, cleansing, manipulating,  
11 or performing similar services upon the scalp, face, neck, arms, bust, or shoulders, manicuring  
12 the nails, or removing superfluous hair about the body of any person. ~~This section does not apply~~  
13 ~~to any~~ Any person practicing cosmetology shall be licensed by under this title, while practicing  
14 within the scope of ~~his~~ that person's license or to any. The following does not constitute the  
15 practice of cosmetology:

16 (1) Any person practicing permanent removal of hair by the use of a galvanic or

1 thermalytic needle; or

2 (2) Any retailer at a retail establishment who in the ordinary course of business is engaged

3 in the demonstration of make-up if:

4 (a) The make-up is applied only with disposable applicators that are discarded  
5 after each customer demonstration;

6 (b) The demonstration is without charge to the person to whom the demonstration  
7 is given; and

8 (c) The retailer does not advertise or provide a cosmetological service except the  
9 sale of make-up and fragrances.

1 **BILL HISTORY**

2 1/21/99 First read in House and referred to Commerce. H.J. 109

3 1/28/99 Scheduled for Committee hearing on this date.

4 1/28/99 Commerce Do Pass, Passed, AYES 12, NAYS 0. H.J. 232

5 1/28/99 Commerce Place on Consent Calendar.

6 2/1/99 House of Representatives Deferred to another day. H.J. 292

7 2/2/99 Motion to Amend, Passed. H.J. 323

8 2/2/99 House of Representatives Do Pass Amended, Passed, AYES 67, NAYS 3. H.J. 323