**South Carolina General Assembly**

125th Session, 2023-2024

**S. 857**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis and Senn

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Introduced in the Senate on January 9, 2024

Introduced in the House on April 9, 2024

Last Amended on April 3, 2024

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Mobile Cosmetology

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Labor, Commerce and Industry**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 61)

 1/9/2024 Senate Referred to Committee on **Labor, Commerce and Industry** (Senate Journal‑page 61)

 3/19/2024 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** (Senate Journal‑page 8)

 3/20/2024 Scrivener's error corrected

 3/27/2024 Senate Committee Amendment Adopted (Senate Journal‑page 23)

 3/27/2024 Senate Amended (Senate Journal‑page 23)

 3/28/2024 Scrivener's error corrected

 4/3/2024 Senate Amended (Senate Journal‑page 16)

 4/3/2024 Senate Read second time (Senate Journal‑page 16)

 4/3/2024 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 16)

 4/4/2024 Scrivener's error corrected

 4/4/2024 Senate Read third time and sent to House (Senate Journal‑page 9)

 4/9/2024 House Introduced and read first time (House Journal‑page 18)

 4/9/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 18)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20231130.docx)

[03/19/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240319.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240320.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240328.docx)

[04/03/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240403.docx)

[04/04/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/857_20240404.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

04/03/24

S. 857

Introduced by Senators Davis and Senn

S. Printed 04/03/24--S. [SEC 4/4/2024 12:45 PM]

Read the first time January 09, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40‑13‑20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGY AND COSMETOLOGISTS SO AS TO PROVIDE A DEFINITION FOR “MOBILE SALON” AND “PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATION”; AND BY ADDING SECTION 40‑13‑365 SO AS TO PROVIDE FOR PERMITTING AND REGULATION OF MOBILE SALONS AND PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATIONS.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑13‑20 of the S.C. Code is amended by adding:

 (11) “Mobile salon” means a self‑contained unit in which the practice of cosmetology or its component practices is conducted, which may be moved, towed, or transported from one location to another.

 (12) “Portable cosmetologist, esthetician, or nail technician operation” or “portable operation” means equipment used in the practice of cosmetology that is transported from a salon or from a mobile salon and is used on a temporary basis at a location including, but not limited to:

 (a) a client’s residence;

 (b) a client’s short‑term residence;

 (c) a place of business;

 (d) a special event venue; or

 (e) another institution or location as may be authorized by the board.

SECTION 2. Section 40-13-110(A)(6) of the S.C. Code is amended to read:

 (6) practiced or attempted to practice cosmetology in any place other than a licensed salon, exceptunless otherwise prescribed by law or in case of an emergency including, but not limited to, illness, invalidism, or death when a licensed operator may perform services for a person in another place by appointment only;

SECTION 3. A. Section 40-13-230(B) of the S.C. Code is amended to read:

 (B) A license as an esthetician must be issued by the board to a person who:

 (1) is at least sixteen years of age and possesses at least a tenth grade education or the equivalent as established by tests used in the public schools or tests approved by the board;

 (2) has completed at least four hundred fiftysix hundred hours in classes in skin care in a reliable school approved by the board or comparable training approved by the board;

 (3) has passed the examination prescribed by the board and pays the required fee; and

 (4) students enrolled in esthetician programs prior to July 1, 2024 shall be issued a license for completion of at least four hundred and fifty hours in classes in skin care in a reliable school approved by the board or comparable training approved by the board so long as all other requirements for licensure are met.

B. This SECTION takes effect July 1, 2024.

SECTION 4. Chapter 13, Title 40 of the S.C. Code is amended by adding:

 Section 40‑13‑365. (A)(1) A person, firm, corporation, or association may operate a mobile salon pursuant to a permit issued by the board. A person, firm, corporation, or association may apply to the board for a mobile salon permit by submitting an application on a form prescribed by the board and paying the initial permit fee. The application shall include:

 (a) the name of the mobile salon’s designated manager who shall be responsible for compliance with the applicable statutes and regulations, for all services provided in the mobile salon, and for all personnel working in the mobile salon;

 (b) the home address of the applicant, provided that including the applicant’s home address on the application does not authorize the applicant to conduct business at his home address;

 (c) an official business address other than a post office box. If an address different than the official business address is used for official business, then that address must also be provided; and

 (d) the mobile salon’s business telephone number. If other telephones are used in the operation of the mobile salon, then the numbers for those telephones must also be included.

 (2) Prior to issuing a mobile salon permit the board shall conduct an inspection of the mobile salon. Once permitted, a mobile salon must be inspected annually.

 (3) Upon the approval of the application and a successful inspection, the board shall issue the applicant a biennial mobile salon permit which must be conspicuously displayed in the mobile salon.

 (4) A mobile salon permit must be biennially renewed by submitting a renewal application on a form prescribed by the board and paying a permit renewal fee.

 (5) A permitted mobile salon is subject to unannounced inspections.

 (6) A mobile salon is prohibited from operating within eyesight of the nearest registered salon and is prohibited from operating within a one-hundred-yard radius of the nearest registered salon.

 (7) A mobile salon permitee must notify the board in writing within thirty days of the last day of operations of the permittee’s mobile salon.

 (B)(1) An individual may operate a portable operation if the individual:

 (a) is licensed pursuant to this chapter to engage in cosmetologist, esthetician, or nail technician services;

 (b) does not have a physically stationary office at the location where the cosmetologist, esthetician, or nail technician services are provided; and

 (c) has been issued a current portable operation permit.

 (2) An individual may apply to the board for a portable cosmetologist, esthetician, or nail technician operation permit by submitting an application on a form prescribed by the board and paying the initial permit fee. The application shall include:

 (a) the home address of the applicant, provided that including the applicant’s home address on the application does not authorize the applicant to conduct business at his home address;

 (b) the portable operation’s business telephone number. If other telephones are used in the operation of the portable operation, then the numbers for those telephones must also be included; and

 (c) a designation of the salon or mobile salon in which he is based.

 (3) Upon application approval, the board shall issue a permit card to be carried by the cosmetologist, esthetician, or nail technician when practicing cosmetology pursuant to his permit.

 (4) A portable cosmetologist, esthetician, or nail technician operation permit must be biennially renewed by submitting a renewal application on a form prescribed by the board and paying a permit renewal fee.

 (5) The temporary location at which the portable operation permitee is providing services must have sufficient facilities to allow for the services provided to be performed in a safe and sanitary manner in accordance with applicable statutes and regulations.

 (C) A cosmetologist, esthetician, or nail technician may provide only those services in a mobile salon or portable operation within the scope of his credential type.

 (D) A mobile salon or portable operation permittee shall comply with all applicable federal, state, and local laws, regulations, and ordinances pertaining to the practice of cosmetology and with all applicable flammability, construction, sanitation, zoning, or infectious waste management guidelines; Occupational Safety and Health Administration guidelines; and federal Centers for Disease Control and Prevention guidelines. The permittee shall maintain any applicable county and city licenses or permits, including business licenses, to operate the mobile salon or portable operation.

 (E) A mobile salon or portable operation permittee shall maintain a written or an electronic record of the street addresses where cosmetologist, esthetician, or nail technician services will be provided during any two‑week period.

 (F) A permit issued pursuant to this section is not transferable. If a mobile salon is sold, the new owner shall apply to the board for a permit before providing cosmetologist, esthetician, or nail technician services through the mobile salon.

 (G) A cosmetologist, esthetician, or nail technician who violates a provision of this section or a regulation promulgated by the board pursuant to this section is subject to disciplinary action as may be determined by the board.

SECTION 5. The board shall promulgate regulations to carry out the provisions of this section including, but not limited to, establishing permit application and renewal fees, and establishing the safe operation, equipment, and sanitation requirements.

SECTION 6. Except as otherwise provided, this act takes effect June 1, 2025.

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