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DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 1-23-130, 40-13-60, and 40-13-230(B)

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

Emergency Situation:

Estheticians are individuals who practice make-up or skin care for the sole purpose of beautifying the skin. To practice esthetics in South Carolina, an esthetician must hold a license from the South Carolina Board of Cosmetology, which is issued following: completion of at least 450 hours in classes in skin care in a reliable school approved by the board, or comparable training approved by the board; and passage of an exam as prescribed by the board. Traditionally, many of the schools offering skin care programs have been eligible for Federal Student Aid funding for their students under the *Higher Education Act Title IV* (HEA) To be eligible for funding, an educational program must lead to a degree at a nonprofit or public institution or it must prepare students for “gainful employment” (GE) in a recognized occupation which here, is esthetics.

For the last 30 years, the U.S. Department of Education (Department) has enforced 34 C.F.R. § 668.14(b)(26), a Federal regulation that allowed institutions receiving Federal Student Aid (FSA) funds on behalf of students enrolled in GE programs to receive FSA funds for the minimum number of hours required by the state for licensure *plus 50 percent*. This has been referred to as the “150% rule”. For estheticians in South Carolina, then, FSA funds were available for the required 450 hours for licensure and for an additional 150 hours of training, totaling a 600-hour curriculum which many schools in the state offer.

On October 31, 2023, the Department published a final rule abolishing the 150% rule and replacing it with a requirement that institutions certify that their GE programs are not longer than 100 percent of the length required for licensure in a recognized occupation. An institution’s access to FSA funds is contingent upon compliance with this new rule, the “100% rule” (also known as the Bare Minimum Rule). The rule took effect on July 1, 2024. With this change, FSA funds would only be available for the 450 hours of classes required for licensure and not for the existing 600-hour programs.

Between the date the final rule was issued and its effective date, the Department and FSA indicated they recognized a hardship caused by this rule change. On April 9, 2024, FSA published on its website the Department’s “clarifications on how its enforcement discretion specifically relates to two provisions in the Certification Procedures regulations published on October 31, 2023, and scheduled to take effect on July 1, 2024” of which one was the maximum program length for certain GE programs. The Department acknowledged that institutions and state agencies both have expressed concerns with their ability to comply with the rule change and responded by stating the Department “understands that there may be circumstances outside of an institution’s control that prevent compliance with these new requirements by July 1, 2024” but the Department believes that most of the concerns and challenges will have been resolved or sufficiently mitigated by January 1, 2025. “The Department has enforcement discretion with respect to an institution’s compliance with certain Title IV, HEA requirements. Given the concerns received from institutions and States, particularly for the period between July 1, 2024 and January 1, 2025, we will consider exercising this discretion before taking action regarding the provisions in 34 CFR

668.13(b)(26)” The Department continued by listing defenses an institution could raise to an enforcement action, including an inability to obtain approval from the State or accrediting agencies for program changes, the inability to obtain approvals for academic program changes, the inability to obtain sufficient clarity from State licensing and certification entities about licensure and certifications requirements, or the inability to access and use the Department’s systems.

The Department encouraged institutions to “document, prior to July 1, 2024, the circumstances that prevent their compliance with any requirement by the regulations’ effective date.” The Department said it would review such documentation prior to taking any enforcement action related to the provisions.

In response to notice of the Federal rule change, several bills addressing esthetics licensure requirements were filed in the South Carolina General Assembly during the 2024 legislative session. At least one of those bills, S.857, would have increased the minimum number of hours required for licensure as an esthetician from 450 to 600, thereby resolving this problem in advance of the July 1, 2024 deadline. The bill passed the Senate but remained in the House Medical, Military, Public and Municipal Affairs (3M) Committee at the time of adjournment of session on May 9, 2024.

By way of a letter dated May 2, 2024, Chair of the House 3M Committee asked the Board of Cosmetology to utilize the emergency regulation procedures, as outlined in S.C. Code Section 1-23-130, to provide a temporary solution to protect students’ access to FSA funds until such time as the General Assembly convenes in January 2025 and can consider the matter. Filing this regulation also served to document the circumstances preventing compliance, in accordance with the Department’s directive.

Indicates Matter Stricken
Indicates New Matter

Text:

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

(A)	Basic course for a School of Cosmetology	1500 Hours Curriculum
	Subjects	Hours
	(1) Science of Cosmetology:	
	(a) Sanitation and Disinfection	45
	(b) Personal Hygiene and Grooming	30
	(c) Professionalism-Professional Ethics	35
	(d) Public Relations, Salesmanship and Psychology	50
	(e) Anatomy	45
	(f) Dermatology	25
	(g) Trichology	25
	(h) Nail Structure	15
	(i) Chemistry	100
	(j) Safety Precautions (Public Safety)	30
	(2) Practice of Cosmetology:	
	(a) Shampoos and Rinses (Safety)	45
	(b) Scalp and Hair Care-Treatments (Safety)	30

	(c)	Hair Shaping (Safety)	150
	(d)	Hair Styling (Safety)	325
		(i) Thermal Pressing	
		(ii) Thermal Curling	
		(iii) Wiggery	
		(iv) Roller Placement	
		(v) Molding	
		(vi) Pin Curling	
	(e)	Nail Technology (Safety)	25
	(f)	Chemical (Cold) Waving, Chemical Relaxing or Straightening (Safety)	225
	(g)	Hair Tinting (Coloring) and Lightening (Bleaching) (Safety)	225
	(h)	Facial-Skin Care, Make-up, and Hair Removal (Safety)	40
	(3)	State Law: Rules, Regulations, Code	15
	(4)	Unassigned: Specific Needs	20
Total			1500
	(B)	Basic course for a School of Nail Technology	300 Hours Curriculum
		Subjects	Hours
	(1)	Sanitation and Safety Measures	75
		(a) Bacteriology	
		(i) Classifications	
		(b) Sanitation/Disinfection	
		(i) Chemical Agents	
		(ii) Sanitizing methods and Procedures	
	(2)	Anatomy and Physiology (Arms, Hands, Feet)	30
		(a) Nail Shapes, Structures, Growth	
		(i) Nail Irregularities	
		(ii) Nail Diseases	
		(b) Bones, Muscles, Nerves	
		(i) Bones of arm, hand	
		(ii) Muscles of arm, hand	
		(iii) Nerves of arm, hand	
		(c) Skin	
		(i) Histology	
		(ii) Functions	
		(d) Blood Circulation	
		(i) Blood Vessels	
		(ii) Blood supply of the arm, hand foot	
	(3)	Nail Technology (hands and feet)	105
		(a) Preparation	
		(b) Equipment and Implements	
		(c) Supplies	
		(d) Procedures	
		(i) Basic Nail Technology	
		(ii) Nail analysis	
		(iii) Hand and arm massage	
		(e) Pedicure	

	(f)	Polish-Application	
	(g)	Specific Needs	
	(4)	Artificial Nails	50
	(a)	Sculpturing (liquid and powder brush ons)	
	(b)	Artificial nail tips	
	(c)	Nail wraps and repairs	
	(d)	Maintenance	
	(5)	Power Equipment	25
	(6)	State Law	15
Total			300
(C)	Basic course for a School of Esthetics		450600 Hours Curriculum
	Subjects		Hours
	(1)	Professional Practices	50
	(a)	Bacteriology and Sanitation	
	(i)	Personal hygiene	
	(ii)	Public health	
	(iii)	Methods	
	(iv)	Procedures	
	(b)	Business Practices	
	(i)	Management practices	
	(ii)	Salon development	
	(iii)	Insurance	
	(iv)	Client records	
	(v)	Salesmanship	
	(2)	Sciences	120130
	(a)	Histology of Skin	
	(i)	Cell	
	(ii)	Tissue	
	(b)	Dermatology	
	(i)	Structure of the skin and glands	
	(ii)	Functions of the skin and glands	
	(iii)	Conditions and disorders of the skin	
	(iv)	Characteristics of the skin	
		(A) Elasticity	
		(B) Color	
		(C) Skin types	
	(v)	Nutrition	
		(A) Nourishment of skin	
		(B) Healthful diet	
	(c)	Structure and Functions of Human Systems	
	(i)	Skeletal	
	(ii)	Muscular	
	(iii)	Nervous	
	(iv)	Circulatory	
	(v)	Cosmetic Chemistry	
	(3)	Facial Treatments	125175

	(a)	Facial Massage	
		(i) Benefits	
		(ii) Analysis	
		(iii) Preparation	
		(iv) Types of Massage	
		(v) Manipulations	
		(vi) Safety measures	
	(b)	Electrical current-facial treatments	
		(i) Types of current	
		(ii) Purpose and effects	
		(iii) Procedures	
		(iv) Safety measures	
		(v) Equipment	
	(c)	Other kinds of Facial treatments	
		(i) Purpose and effects	
		(ii) Types and treatments	
		(iii) Preparation	
		(iv) Procedures	
		(v) Safety measures	
	(4)	Hair Removal	5060
		(a) Depilatories	
		(b) Tweezing	
		(c) Waxing	
		(d) Threading	
		(e) Unassigned: Specific Needs	
	(5)	Makeup, <u>Eyelash and Eyebrow</u>	50100
		(a) Purpose and effects	
		(b) Supplies and implements	
		(c) Preparation	
		(d) Procedures	
		(i) <u>Makeup Procedures</u>	
		(ii) <u>Eyelash Extensions</u>	
		(iii) <u>Eyelash Perming</u>	
		(iv) <u>Eyebrow Lamination</u>	
		(e) Safety measures	
	(6)	Body Wraps	40
		(a) Purpose and effects	
		(b) Types or treatments	
		(c) Supplies and instruments	
		(d) Preparation	
		(e) Procedure	
		(f) Safety measures	
	(7)	State Law, Rules, Regulations and Codes	15
	(8)	<u>Unassigned: Specific Needs</u>	30
	Total		450600
	(D) Public School Secondary Education Curriculum		1540 curriculum hours

(1)	Science of Cosmetology	
(a)	Sanitation & Sterilization	45
(b)	Personal Hygiene & Grooming	30
(c)	Professionalism/Professional Ethics	25
(d)	Salesmanship/PR/Psych.	35
(e)	Anatomy	25
(f)	Dermatology	25
(g)	Trichology	25
(h)	Nail Structure	10
(i)	Chemistry	75
(j)	Safety Precautions (Public Safety)	15
(2)	Practice of Cosmetology	
(a)	Shampoo & Rinse	20
(b)	Scalp & Hair Treatment (Safety)	30
(c)	Hair Shaping (Safety)	100
(d)	Hair Styling (Safety)	225
(i)	Thermal Pressing	
(ii)	Thermal Curling	
(iii)	Wiggery	
(iv)	Roller Placement	
(v)	Molding	
(vi)	Pin Curl	
(e)	Nail Technology (Manicure & Pedicure)	25
(f)	Chemical (Cold) Waving, Chemical Relaxing or Straightening (Safety)	130
(g)	Hair Tinting (Coloring) and Lightening (Bleaching)	100
(h)	Facial Skin Care, Makeup, and Hair Removal (Safety)	40
(i)	State Law Rules, Regulations and Codes	15
(3)	Unassigned	5
(4)	Academic Hours	500
(a)	English Language Arts	120
(b)	Math	120
(c)	Science	120
(d)	Economics or Government	60
(e)	Technology	120

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to preserve access to FSA funds for esthetician students until such time as the South Carolina General Assembly can reconvene in January 2025 to address the minimum number of hours required for licensure as an esthetician in the state.

Legal Authority: 1976 Code Sections 1-23-130, 40-13-60, and 40-13-230(B).

Plan for Implementation: The regulation will be available at the South Carolina Department of Labor, Licensing and Regulation and on its website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The emergency regulation is necessary to comply with the Federal requirement that institutions certify that their GE programs are not longer than 100 percent of the length required for licensure in a recognized occupation.

DETERMINATION OF COSTS AND BENEFITS:

The emergency regulation will present no costs to the State of South Carolina.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates related to the emergency regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no negative effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION
IS NOT IMPLEMENTED:

This regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.