

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

562N0414

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**SB 70** - 02/14/2007

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Gant, Garnos, and Napoli and Representatives Weems, Peters, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain fees, continuing education requirements,  
2 and examination requirements for massage therapists.

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

4 Section 1. That § 36-35-12 be amended to read as follows:

5 36-35-12. The board may issue a license to engage in the practice of massage to any person  
6 who submits an application form and the nonrefundable application fee as approved in § 36-35-  
7 17 and who demonstrates the following qualifications:

- 8 (1) Eighteen years of age or older;
- 9 (2) Good moral character;
- 10 (3) High school diploma or equivalent;
- 11 (4) Completion of no less than five hundred hours of training or study in the practice of  
12 massage with a facility or instructor recognized by the board;
- 13 (5) Absence of unprofessional conduct;
- 14 (6) ~~Malpractice~~ Professional liability insurance coverage with limits at or above an



1 amount set by the board; and

2 (7) Passing score on an examination administered by a national certification board  
3 ~~accredited by the National Commission of Certifying Agencies and in good standing~~  
4 ~~with the National Organization of Competency Assurance~~ approved by the board in  
5 rules promulgated pursuant to chapter 1-26.

6 A license issued under this chapter is valid for a period of ~~two years~~ one year from the date  
7 it was issued and automatically expires unless it is renewed. The board may refuse to grant a  
8 license to any person based on failure to demonstrate the requirements of this section. An  
9 applicant may appeal the denial of a license in compliance with chapter 1-26.

10 Section 2. That § 36-35-14 be amended to read as follows:

11 36-35-14. ~~For two years following July 1, 2005~~ Until July 1, 2008, the board may issue a  
12 license to a person who demonstrates completion of a minimum of one hundred hours of  
13 training or study in the practice of massage with a facility or instructor recognized by the board  
14 or adequate experience derived from the active practice of massage for at least the three years  
15 immediately preceding the date of the application. Any person applying for a license under this  
16 section is not required to comply with the examination and training or study requirements of  
17 § 36-35-12 but shall meet the other criteria set forth in § 36-35-12. Any person applying for a  
18 license under this section shall submit an application as required by § 36-35-12 along with proof  
19 of active practice for at least three years prior to the date of application.

20 Section 3. That § 36-35-17 be amended to read as follows:

21 36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable  
22 application fee of one hundred dollars. Any person who has a license issued or renewed by the  
23 board shall submit a license fee in an amount set by the board, but not to exceed ~~three hundred~~  
24 sixty-five dollars.

1 Section 4. That § 36-35-19 be amended to read as follows:

2 36-35-19. Any person licensed under this chapter shall complete eight hours of continuing  
3 education relating to competence in the practice of massage on ~~an annual~~ a biennial basis ~~in an~~  
4 ~~amount, of a type;~~ and from a facility or instructor approved by the board. No more than four  
5 of the required continuing education hours may be obtained by electronic means. The board may  
6 waive the continuing education requirement upon proof of illness or hardship.

7 Section 5. That chapter 36-35 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 The board may issue an inactive massage therapist license upon payment of the application  
10 fee.

11 Section 6. That § 36-35-24 be amended to read as follows:

12 36-35-24. The board may promulgate rules pursuant to chapter 1-26 in the following areas:

- 13 (1) The form and information required for any license application;
- 14 (2) A list of recognized facilities or instructors who may provide training or instruction  
15 required for licensure or continuing education requirements;
- 16 (3) The amount of license fees;
- 17 (4) The procedures for conducting disciplinary proceedings; ~~and~~
- 18 (5) The minimum limits of malpractice insurance to be carried by any person licensed  
19 under this chapter; and
- 20 (6) The procedures for applying for an inactive license and the procedures to regain  
21 active licensure.