

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

562N0414

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 70** - 01/24/2007

**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 insurance coverage with limits at or above an amount set by the board;



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

10 Section 2. That § 36-35-17 be amended to read as follows:

11 36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable  
12 application fee of ~~one hundred~~ seventy-five dollars. Any person who has a license issued or  
13 renewed by the board shall submit a license fee in an amount set by the board, but not to exceed  
14 ~~three~~ one hundred dollars.

15 Section 3. That § 36-35-19 be amended to read as follows:

16 36-35-19. Any person licensed under this chapter shall complete four hours of continuing  
17 education relating to competence in the practice of massage on an annual basis ~~in an amount,~~  
18 of a type; and from a facility or instructor approved by the board. No more than two of the  
19 required continuing education hours may be obtained by electronic means. The board may waive  
20 the continuing education requirement upon proof of illness or hardship.