

AGENDA

Interim Rules Review Committee



Representative Jon Hansen, Chair
Senator Jean Hunhoff, Vice Chair

Four hundred third meeting
Monday, November 15, 2021

Room 414 – State Capitol
Pierre, South Dakota

Those wishing to testify must register by November 11, 2021, by email to Kelly.Thompson@sdlegislature.gov. Testifiers should provide their full names, whom they are representing, city of residence, which proposed rules they will be addressing, whether they are a proponent or opponent, and if they will be testifying remotely or in person.

9:00 a.m. CT:

Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Representative Hansen

South Dakota State Board of Dentistry (Department of Health): Amend rules to:

- Update regulations pertaining to the administration of sedation and anesthesia in a dental office;
- Incorporate updated requirements, standards, and national guidelines;
- Update anesthesia continuing education requirements to include new host permit;
- Update definitions and references;
- Update authority for advertising sedation and anesthesia to include new host permit;
- Update general anesthesia and deep sedation permit requirements;
- Update moderate sedation permit requirements;
- Update pediatric moderate sedation permit requirements;
- Update requirements for employing or contracting with a licensed anesthesia provider that provides general anesthesia, deep sedation, or moderate sedation;
- Clarify exemption for licensed ambulatory surgery center or hospital;
- Incorporate and update moderate sedation course requirements;
- Incorporate a new host permit and host permit requirements that will allow a dentist to utilize a licensed anesthesia provider;
- Incorporate host permit course requirements;
- Incorporate process for review of anesthesia or sedation education accepted in other jurisdictions;
- Update nitrous oxide sedation and analgesia permit requirements for dentists, dental hygienists, and registered dental assistants and ensure consistency among rules;
- Update minimal sedation as it relates to patients under 12 years of age;
- Update permit renewal requirements and incorporate host permit;
- Incorporate required annual sedation or anesthesia cases or continuing education for dentists that hold a general anesthesia and deep sedation or moderate sedation permit;
- Incorporate required team training on emergency response protocols for dentists that hold a general anesthesia and deep sedation, moderate sedation, or host permit;
- Update adverse condition reporting and incorporate host permit;
- Update inspector requirements;
- Update inspection requirements for dentists that hold a host permit, moderate sedation permit, or general anesthesia and deep sedation permit;

- Update equipment requirements for moderate sedation;
- Update equipment requirements for general anesthesia and deep sedation;
- Update clinical guidelines;
- Incorporate requirement that an emergency response protocol be in place for patients undergoing moderate sedation, deep sedation, or general anesthesia; and
- Remove redundant regulations and obsolete provisions.

Senator Hunhoff

[South Dakota Board of Certified Professional Midwives \(Department of Health\)](#): Amend rules to update the general authority for administrative rules for licensing as it relates to complaints and disciplinary hearings.

[Department of Health](#): Amend rules to revise and update language to bring it in line with federal requirements.

[Department of Health](#): Amend rules to update the form used by a physician to comply with the requirements of SDCL 34-23A-10.1 (1).

Representative Cwach

[South Dakota Board of Education Standards \(Department of Education\)](#): Amend rules to extend the length of time a long-term substitute can act as the teacher of record and provide additional flexibility for leave pursuant to FMLA or when the individual has a teaching certificate.

[South Dakota Board of Technical Education \(Department of Education\)](#): Adopt and amend rules to change the distribution methodology of funds and update rule language to reflect the "technical institute" to "technical college" name change.

11:30 a.m. CT: Lunch on own, review of proposed rules will continue at 12:30 p.m. CT

Senator Heinert

[South Dakota Cosmetology Commission \(Department of Labor and Regulation\)](#): Amend rules to:

- Repeal unnecessary rules;
- Implement esthetics apprenticeships;
- Make changes to apprenticeships;
- Revise prohibited tools and procedures; and
- Clarify rules.

Representative Jensen

[Department of Game, Fish and Parks](#): Amend rules to:

- Close one of the hunting units for spring turkey season;
- Change March 31 to April 30 in rule regarding the mountain lion hunting season in the Black Hills Fire Protection District;
- Allow the pursuit of mountain lions by dogs outside of the Black Hills Fire Protection District under certain circumstances;
- Add the words "traps" and "floatlines" to ARSD 41:07:08;
- Create a definition for a fishing "floatline" and "blowgun";
- Add blowguns to the description of what constitutes a line;
- Allow 10 channel catfish and 5 flathead catfish to be taken daily;

- Clarify an angler could only take one flathead catfish 30 inches or longer, and one blue catfish as part of their daily limit;
- Add blowguns as a method of take in inland waters, South Dakota-Minnesota boundary waters, and South Dakota-Nebraska boundary waters;
- Allow for the use of blowguns as a method of take in areas open to the spearing of game fish;
- Allow spearing statewide on inland waters with certain exceptions;
- Add the term "blowgun" to rules regarding fish spearing limits and fish spearing restricted areas;
- Add floatlines into the licensing structure;
- Add floatline to ARSD 41:07:08:02 and delineate the number of hooks allowed per floatline and the number of floatlines allowed in total;
- Add the term "traps" to ARSD 41:07:08:05.02;
- Require floatlines to be attended while fishing;
- Add floatlines to ARSD 41:07:08:06;
- Add hoop nets and traps as methods of take in certain areas;
- Remove certain restrictions on mesh size and length for seines and nets;
- Reduce the reporting requirements by licensed bait dealers;
- Eliminate annual fish health and aquatic invasive species (AIS) inspections for private hatcheries;
- Modify the age of a youth from 17 to 18 for fishing tournaments;
- Create an exemption for individuals transporting AIS for disposal purposes;
- Create an exemption for launching a boat, dock, or boat lift that is not cleaned, drained, and dried, into the water if certain qualifications are met; and
- Repeal ARSD 41:09:04:16.03, 41:10:04:08 and 41:10:04:09.

Department of Game, Fish and Parks: Amend rules to:

- Allow greater flexibility to the department as to when park entrance licenses may be offered for sale;
- Designate some lakeside use areas as basic campgrounds and establish a fee for those campsites;
- Designate Randall Creek as a prime campground and establish a fee for those campsites;
- Correct an administrative error by increasing the French Creek Horse Camp fee to a price that was already passed by the Commission;
- Align check out times of camping cabins with other structural camping facilities throughout the state; and
- Incorporate cabin suites into the checkout times.

Senator Johns

South Dakota Commission on Gaming (Department of Revenue): Adopt and amend rules to:

- Add additional pay tables for the Dakota Duel Draw game;
- Clarify the definition of a prohibited person;
- Clarify the requirements for notification to the Commission regarding tournaments, contests, and pools;
- Clarify the requirements for submissions to an independent testing laboratory;
- Clarify the requirements that a licensee or sports wagering services provider must address in establishing test accounts;
- Delete the recording information for vouchers and place them in a separate rule for clarity;
- Clarify the requirements of the system recordings for vouchers which was previously set forth in ARSD 20:18:35.02:05;
- Clarify the accounts credits and deposits and approved methods of funding;
- Clarify the suspension and restoration of accounts;
- Clarify the effects of suspension of an account; and
- Clarify methods of securing payments.

[South Dakota Real Estate Commission \(Department of Labor and Regulation\)](#): Amend rules to:

- Repeal unnecessary rules;
- Reduce barriers for out of state applicants;
- Increase educational opportunities; and
- Clarify rules.

Public Testimony

Adjourn

* Breaks will be at the call of the chair. Time noted for lunch break is approximate.

Members: Representatives Jon Hansen, Ryan Cwach, and Kevin Jensen and **Senators** Troy Heinert, Jean Hunhoff, and Timothy Johns

This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.

All committee agendas, minutes, and audio are available on the LRC website: <https://www.sdlegislature.gov/>. Live committee audio is provided by South Dakota Public Broadcasting and is also available at <https://www.sd.net/>. You may subscribe to electronic delivery of agendas and minutes at My LRC on the LRC website.