



2026 South Dakota Legislature  
**House Bill 1029**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise provisions related to the practice of addiction counseling and prevention services.**

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

**Section 1. That § 36-34-1 be AMENDED:**

**36-34-1.** Terms used in this chapter mean:

- (1) "Board," the South Dakota Board of Addiction and Prevention Professionals; and
- (2) "Practitioner," a person certified, licensed, or recognized under this chapter in the practice of addiction counseling or prevention services, who holds oneself out to the public by any title or description of services using the following words or any derivatives thereof:
  - (a) Certified addiction counselor;
  - (b) Licensed addiction counselor;
  - (c) Addiction counselor trainee;
  - (d) Addiction counselor supervisee;
  - (e) Certified prevention specialist;
  - (f) Prevention specialist trainee;
  - (g) Prevention specialist supervisee;
  - (h) Peer support specialist;
  - (i) Peer support specialist trainee; or
  - (j) Peer support specialist supervisee.

**Section 2. That a NEW SECTION be added to chapter 36-34:**

The board shall regulate addiction counseling and prevention services practitioners in this state for the purposes of ensuring competency of practitioners, compliance with national examination requirements, and the safety of the public.

**Section 3. That § 36-34-12 be AMENDED:**

**36-34-12.** The board shall:

- (1) Maintain responsibility for all disciplinary proceedings under this chapter;
- (2) Examine, or cause to be examined, for competency, eligible applicants for recognition, certification, or licensure to practice addiction counseling and prevention services;
- (3) Issue recognition, certificates, and licenses to applicants who successfully complete the recognition, certification, or licensing requirements for practitioners, and renew the recognitions, certifications, and licenses of practitioners who continue to meet the standards of this chapter;
- (4) Maintain a publicly available list that includes each practitioner's:
  - (a) Status;
  - (b) Recognition, certificate, or license number, and the date the recognition, certification, or licensure was granted;
  - (c) Renewal date; and
  - (d) Record of disciplinary action from the board;
- (5) Employ personnel in accordance with the needs and budget of the board;
- (6) Enter into contracts, as necessary to carry out the board's responsibilities pursuant to this chapter;
- (7) Communicate disciplinary actions and recognition, certification, or licensing status to the relevant state and federal governing bodies, as required; and
- (8) Perform other duties directly related to this chapter.

**Section 4. That § 36-34-13 be AMENDED:**

**36-34-13.** The board shall promulgate rules, pursuant to chapter 1-26, to establish:

- (1) Recognition, certification, and licensure requirements for practitioners related to qualifying education, examinations, and work experience;
- (2) Requirements for the supervision of candidates for recognition, certification, and licensure;
- (3) Renewal requirements for practitioner recognition, certification, and licensure;
- (4) Continuing education requirements for the renewal of a practitioner's certification or license;
- (5) Standards for the practice of addiction counseling and prevention services;

- (6) The following fees, which may not exceed the amounts specified:
- (a) Application fee, fifty dollars;
  - (b) Examination fee, two hundred dollars;
  - (c) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor certification or license fee, three hundred dollars;
  - (d) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor retest fee, two hundred fifty dollars;
  - (e) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor renewal fee, four hundred dollars;
  - (f) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor reinstatement fee, two hundred dollars;
  - (g) Peer support specialist certification, renewal, or reinstatement fee, two hundred dollars;
  - (h) Status upgrade fee, one hundred fifty dollars;
  - (i) Addiction counselor trainee, addiction counselor supervisee, prevention specialist trainee, prevention specialist supervisee, peer support specialist trainee, or peer support specialist supervisee recognition fee, one hundred fifty dollars;
  - (j) Addiction counselor trainee, addition counselor supervisee, prevention specialist trainee, prevention specialist supervisee, peer support specialist trainee, or peer support specialist supervisee renewal fee, one hundred fifty dollars;
  - (k) Addiction counselor trainee, addiction counselor supervisee, prevention specialist trainee, prevention specialist supervisee, peer support specialist trainee, or peer support specialist supervisee reinstatement fee, one hundred fifty dollars;
  - (l) International certificate fee, twenty dollars;
  - (m) Dual credential renewal fee, four hundred dollars;
  - (n) Inactive license or certificate fee, fifty dollars; and
  - (o) Temporary license or certificate fee, one hundred dollars.

**Section 5. That § 36-34-13.1 be AMENDED:**

**36-34-13.1.** No person may represent oneself as a licensed or certified addiction counselor, addiction counselor trainee, addiction counselor supervisee, certified prevention specialist, prevention specialist trainee, prevention specialist supervisee, peer

support specialist, peer support specialist trainee, or peer support specialist supervisee, or any other title that includes those words unless the person is recognized, certified, or licensed under this chapter.

**Section 6. That § 36-34-13.5 be AMENDED:**

**36-34-13.5.** The board may grant a certificate or license to any person who, at the time of application, is certified or licensed in another state or territory of the United States that imposes substantially the same requirements as this chapter and who has taken and passed an examination similar to that required under this chapter.

**Section 7. That a NEW SECTION be added to chapter 36-34:**

The board may renew a recognition if the practitioner:

- (1) Submits an application to the board for renewal before the expiration of the recognition;
- (2) Pays the required renewal fee; and
- (3) Provides documentation of accumulated work, supervision, or education hours, as required by the board.

Recognition is valid for one year from the date of issuance and may not be renewed more than four times. The board may establish procedures, in rules promulgated in accordance with chapter 1-26, for the reinstatement of an expired recognition if a renewal application is received within thirty days after the expiration of the recognition.

**Section 8. That § 36-34-21 be AMENDED:**

**36-34-21.** Any practitioner subject to this chapter shall practice in accordance with the standards established by the board and is subject to the exercise of the disciplinary sanctions enumerated in § 36-34-23 if, after a hearing in the manner provided in chapter 1-26, the board finds that:

- (1) A practitioner has employed or knowingly cooperated in fraud or material deception in order to obtain a recognition, certificate, or license to practice the profession, or has engaged in fraud or material deception in the course of professional services or activities;
- (2) A practitioner has been convicted in any court of a felony;

- (3) A practitioner has engaged in or permitted the performance of unacceptable patient care by the practitioner or by auxiliaries working under the practitioner's supervision due to any deliberate or negligent act or failure to act;
- (4) A practitioner has knowingly violated any provision of this chapter or board rules;
- (5) A practitioner has continued to practice although the practitioner has become unfit to practice due to professional incompetence, failure to keep abreast of current professional theory or practice, physical or mental disability, or addiction or severe dependency upon or use of alcohol or other drugs which endanger the public by impairing a practitioner's ability to practice safely;
- (6) A practitioner has engaged in lewd or immoral conduct in connection with the delivery of addiction counseling or prevention services to consumers;
- (7) A practitioner has employed or assisted, or is employing or assisting, a person who holds oneself out as recognized, certified, or licensed in accordance with this chapter, but who is not recognized, certified, or licensed in accordance with this chapter;
- (8) A practitioner submitted false, misleading, or inaccurate information to the board in obtaining issuance or renewal of recognition, certification, or licensure; or
- (9) A practitioner has failed to provide information or documents requested by the board in the investigation or prosecution of a professional or ethical complaint filed with the board.

Each legally required notice must be sent via ordinary first-class mail to the most recent address that the practitioner has reported to the board. The practitioner has the duty to maintain an accurate and current mailing address with the board.

**Section 9. That § 36-34-23 be AMENDED:**

**36-34-23.** The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner has violated any part of § 36-34-21:

- (1) Revoke a practitioner's recognition, certification, or license to practice for an indefinite length of time;
- (2) Suspend a practitioner's recognition, certification, or license for a specific or indefinite length of time;
- (3) Censure a practitioner;
- (4) Issue a letter of reprimand;
- (5) Place a practitioner on probationary status and require the practitioner to report regularly to the board on the matters that are the basis for probation;

- (6) Limit the practitioner's practice to areas prescribed by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;  
or
- (7) Require the practitioner to reimburse the board in an amount equal to the costs incurred for the investigation and disciplinary hearing, including the amount paid by the board for legal expenses, attorney fees, court reporters, and any mediator or hearing officer, provided there is clear and convincing evidence of wrongdoing on the part of the practitioner.

The board may withdraw the probation if the board finds the deficiencies that resulted in disciplinary action have been remedied.

A practitioner's recognition, certification, or licensure remains in effect during the pendency of an appeal unless suspended under § 36-34-24.

An Act to revise provisions related to the practice of addiction counseling and prevention services.

I certify that the attached Act originated in the:  
House as Bill No. 1029

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2026 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk of the House

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2026

Attest:

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2026 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1029  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State