



2025 South Dakota Legislature

House Bill 1247

Introduced by: **Representative Schwans**

1 **An Act to modify massage therapist licensure requirements and to create a penalty**
 2 **therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 36-35:**

5 An advertisement for massage therapy by a licensee must include the licensee's
 6 license number.

7 A violation of this section is a Class 1 misdemeanor.

8 **Section 2. That § 36-35-10 be AMENDED:**

9 **36-35-10.** ~~Any person who engages~~A person is guilty of a Class 1 misdemeanor if
 10 a person:

11 (1) Engages in the practice of massage or holds ~~himself or herself~~ oneself out to the
 12 public as engaged in the practice of massage, ~~without a license being licensed~~
 13 ~~issued pursuant to this chapter, or owns;~~

14 (2) Owns, operates, or manages a business ~~which that~~ knowingly employs or contracts
 15 with any unlicensed person to offer or provide massage therapy, ~~is guilty of a Class~~
 16 ~~1 misdemeanor; or~~

17 (3) Uses the title "massage therapist," "bodywork therapist," "Licensed Massage
 18 Therapist," or the acronym "LMT," or any other words, abbreviations, or insignia
 19 indicating or implying, directly or indirectly, that the person may provide massage
 20 therapy, without possessing a license issued in accordance with this chapter.

21 The board may bring a civil action to enjoin any violation of this chapter.

22 **Section 3. That § 36-35-12.3 be AMENDED:**

1 **36-35-12.3.** A license issued under this chapter ~~is valid until September thirtieth~~
2 ~~following the date it is issued and automatically expires unless it is renewed~~ expires two
3 years from the date the license was issued.

4 **Section 4. That § 36-35-16 be AMENDED:**

5 **36-35-16.** Any licensee holding a valid license under this chapter may renew that
6 license by ~~making~~ submitting an application for renewal, paying the required renewal fee,
7 and providing proof of compliance with the continuing education requirements set by the
8 board.

9 If the board has not received a license renewal application by the expiration date,
10 the board ~~shall~~ must notify the licensee, within five days, that the renewal application has
11 not been received and that the licensee may not practice until the license is renewed.

12 An application for a license renewal that is submitted within thirty days after the
13 expiration date of the license must be accompanied by a late fee established by the board
14 pursuant to § 36-35-24, which may be no more than thirty dollars.

15 Any person who submits a license renewal application, pays the license renewal
16 fee and the late fee, and provides proof of compliance with the continuing education
17 requirements set by the board, within thirty days after the expiration date, may be granted
18 a license renewal.