



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.

Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

[South Dakota Commission on Gaming \(Department of Revenue\)](#): (May 22, 2023) intends to amend and adopt rules to standardize violations for both illegal substances and violations involving permitted drugs relating to horse racing; increase the fine that may be assessed for such violations; adopt the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties as applied to authorized drugs, fines, and penalties for violations; increase the permissible bute levels to an amount that is stable, in line with other jurisdictions, and consistent with trainer requests; and rescind a rule relating to the penalty for violation of permitted drug restriction. The general authority for these rules, as cited by the commission, is SDCL 42-7-56.

A public hearing will be held at the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota, on June 13, 2023, at 9:00 a.m. (MT). Copies of the proposed rules may be obtained without charge from, and written comments mailed to, the South Dakota Commission on Gaming, 87 Sherman Street, Deadwood, South Dakota, 57732. Copies of the proposed rules are also available online at <https://rules.sd.gov>. Comments may also be emailed to mark.heltzel@state.sd.us. The deadline to submit written comments is 72 hours before the public hearing or 5:00 p.m. (MT) on Wednesday, June 7, 2023. This hearing is being held in a physically accessible location. Persons with special needs for which the Commission can make arrangements may call (605) 578-3074 at least 48 hours before the public hearing.

[Board of Minerals and Environment \(Department of Agriculture and Natural Resources\)](#): (May 22, 2023) intends to amend and adopt rules to update the state's existing hazardous waste rules by incorporating updated codified federal regulations adopted from July 1, 2018 through June 30, 2022, by reference. The general authority for these rules, as cited by the department, is SDCL 34A-11-8 and 34A-11-9.

A public hearing will be held at the Floyd Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on July 20, 2023, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge online at <https://danr.sd.gov/Environment/WasteManagement/HazardousWaste/default.aspx> or by calling Carrie Jacobson at (605) 773-3153. Written comments may be sent to the South Dakota Department of Agriculture and Natural Resources, Waste Management Program, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182 or submitted online at <https://danr.sd.gov/public>. Material sent by mail or email must reach the department by July 17, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3153 at least 48 hours before the public hearing.

[Board of Addiction and Prevention Professionals \(Department of Social Services\)](#): (May 25, 2023) intends to amend and adopt rules to change the timeline for renewal of certificates and licenses to a biennial renewal; revise fees consistent with a biennial renewal for certificates and licenses; establish an annual renewal for trainee recognition based on issue date; revise fees consistent with an annual renewal of trainee recognition; adopt a Code of Ethics for trainees and certificate or license holders; eliminate fees for certain services; clarify application information needed for trainees and

certificate and license holders to obtain or renew; update the continuing education requirements; and update regulations to conform to current standards. The general authority for these rules, as cited by the board, is SDCL 36-1C-13, 36-34-12, 36-34-13, and 36-34-13.3.

A public hearing will be held electronically on June 27, 2023, at 9:00 a.m. (CT). Interested persons may participate remotely by calling (312) 626-6799 or via [Zoom](#) using meeting ID 823 2365 5603 and passcode 628716. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the South Dakota State Board of Addiction and Prevention Professionals, PO Box 340, Pierre, South Dakota 57501. Copies of the proposed rules are also available online at <https://dss.sd.gov/licensingboards/bapp/bapp.aspx> and are obtainable at the board office located at 1351 North Harrison Avenue, Pierre, South Dakota. Comments may be submitted by email to bapp@midwestsolutionssd.com. Material sent by mail or email must reach the board by June 20, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 224-1282 at least 48 hours before the public hearing.

[South Dakota Speech-Language Pathology Board of Examiners \(Department of Health\)](#): (May 25, 2023) intends to amend and adopt rules to remove unnecessary barriers to licensure; update language to reflect current technology and practice; and correct references to authority and legal references. The general authority for these rules, as cited by the board, is SDCL 36-37-12, 36-37-14, 36-37-17, and 36-37-21.

A public hearing will be held at the South Dakota Speech-Language Pathology Board of Examiners Office, 810 North Main Street, Suite 298, Spearfish, South Dakota, on July 21, 2023, at 8:30 a.m. (MT). Interested persons may also participate remotely by calling (605) 642-1600 or by emailing office@sdlicensing.com to arrange for a dial-in number for the teleconference. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Speech-Language Pathology Board of Examiners, 810 North Main Street, Suite 298, Spearfish, South Dakota 57783. Copies of the proposed rules are also available by request to, and comments may be emailed to, office@sdlicensing.com. Material sent by mail or email must reach the board by July 17, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the Commission can make arrangements may call (605) 642-1600 at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Board of Economic Development Craig Christianson Rapid City	Governor	Patrick Burchill	4/19/2023 – 4/19/2027
South Dakota Building Authority Douglas J. Hajek Sioux Falls	Governor	Reappointed	4/19/2023 – 1/18/2027

SCHEDULED PUBLIC HEARINGS

5-31-2023	South Dakota Housing Development Authority : Adopt rules to specify guidelines, criteria, and processes for the application, approval, and disbursement of loans and grants provided through the South Dakota housing infrastructure fund; 49 SDR 104, May 15, 2023.
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6-2-2023	<u>South Dakota State Board of Dentistry (Department of Health)</u> : Amend rules to update regulations pertaining to clinical examinations and licensure; update advertising regulations; update specialty practice advertising regulations and account for legal case law developments; update supervision requirements for the administration of nitrous oxide sedation and analgesia by dental hygienists and registered dental assistants; update supervision requirements for the administration of local anesthesia by dental hygienists; and repeal the unnecessary reporting requirement for collaborative supervision; 49 SDR 88, April 17, 2023.
6-8-2023	<u>Board of Medical and Osteopathic Examiners (Department of Health)</u> : Adopt rules to create educational requirements and training for the issuance of a critical care endorsement and amend a rule to update the educational standards of athletic trainers to the 2020 Commission on Accreditation of Athletic Training Education; 49 SDR 91, April 24, 2023.
6-12-2023	<u>Department of Health</u> : Amend rules to add a newly recognized communicable disease with public health impact to the Category I reportable diseases and condition list; update or delete a communicable disease from the Category II reportable disease and condition list; and clarify the methods of reporting; 49 SDR 99, May 8, 2023.
6-13-2023	<u>South Dakota Commission on Gaming (Department of Revenue)</u> : Amend and adopt rules to standardize violations for both illegal substances and violations involving permitted drugs relating to horse racing; increase the fine that may be assessed for such violations; adopt the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties as applied to authorized drugs, fines, and penalties for violations; increase the permissible bute levels to an amount that is stable, in line with other jurisdictions, and consistent with trainer requests; and rescind a rule relating to the penalty for violation of permitted drug restriction; 49 SDR 109, May 30, 2023.
6-20-2023	<u>South Dakota Investment Council</u> : Adopt rules to clarify the South Dakota Investment Council's declaratory ruling process and repeal unnecessary rules; 49 SDR 107, May 22, 2023.
6-27-2023	<u>Board of Addiction and Prevention Professionals (Department of Social Services)</u> : Amend and adopt rules to change the timeline for renewal of certificates and licenses to a biennial renewal; revise fees consistent with a biennial renewal for certificates and licenses; establish an annual renewal for trainee recognition based on issue date; revise fees consistent with an annual renewal of trainee recognition; adopt a Code of Ethics for trainees and certificate or license holders; eliminate fees for certain services; clarify application information needed for trainees and certificate and license holders to obtain or new; update the continuing education requirements; and update regulations to conform to current standards; 49 SDR 110, May 30, 2023.
7-7-2023 NOTE: Hearing was originally scheduled for May 22, 2023	<u>South Dakota Board of Education Standards (Department of Education)</u> : Adopt a rule to require all school districts to uniformly transcribe postsecondary credits onto a student's high school transcript; 49 SDR 95, May 1, 2023.
7-20-2023	<u>Department of Agriculture</u> : Amend and adopt rules to update the state's existing hazardous waste rules by incorporating updated codified federal regulations adopted from July 1, 2018 through June 30, 2022, by reference; 49 SDR 109, May 30, 2023.
7-21-2023	<u>South Dakota Speech-Language Pathology Board of Examiners (Department of Health)</u> : Amend and adopt rules to remove unnecessary barriers to licensure; update language to reflect current technology and practice; and correct references to authority and legal references; 49 SDR 110, May 30, 2023.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, June 13, 2023, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2023 Interim are scheduled for July 18, August 8, September 12, and November 7. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.