

2025 South Dakota Legislature

House Bill 1247**AMENDMENT 1247A
FOR THE INTRODUCED BILL**

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 ~~of the licensee providing the massage therapy services.~~

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:**

23 **36-35-12.3.** A license issued under this chapter ~~is valid until September thirtieth~~
24 ~~following the date it is issued and automatically expires unless it is renewed~~ expires two

1 ~~years from the date the license was issued expires on September thirtieth of every even-~~
2 ~~numbered year.~~

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

4 **36-35-16.** Any licensee holding a valid license under this chapter may renew that
5 license by ~~making~~ submitting an application for renewal, paying the required renewal fee,
6 and providing proof of compliance with the continuing education requirements set by the
7 board.

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

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

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

18 The board may renew an expired license if, within thirty days after the expiration
19 date of the license, the licensee:

20 (1) Submits a license renewal application;

21 (2) Pays the:

22 (a) License renewal fee, established by the board pursuant to § 36-35-17; and

23 (a) Late fee, established by the board pursuant to § 36-35-17; and

24 (3) Provides to the board proof of compliance with the continuing education
25 requirements, established by the board pursuant to § 36-35-19.

26 **Section 5. That § 36-35-17 be AMENDED:**

27 ~~**36-35-17.** Any applicant for a license under this chapter shall submit a~~
28 ~~nonrefundable application fee not to exceed one hundred dollars. Any person who has a~~
29 ~~license issued or renewed by the board shall submit a license fee in an amount not to~~
30 ~~exceed sixty five dollars. Fees shall be set by the board by rule promulgated pursuant to~~
31 ~~chapter 1-26.~~

32 The board shall promulgate rules, pursuant to chapter 1-26, to establish fees for:

33 (1) An application for initial licensure, which may not exceed one hundred dollars;

- 1 (2) The issuance of an initial license, which may not exceed sixty-five dollars;
- 2 (3) The late submission of a licensure renewal request, which may not exceed fifty
- 3 dollars; and
- 4 (4) The renewal of a license, which may not exceed one hundred thirty dollars
- 5 biennially.

6 **Section 6.** This Act is effective beginning January 1, 2026.

7

