

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2065
(Workforce Development Committee)
(At the request of the North Dakota Board of Reflexology)

AN ACT to create and enact sections 43-49-04.1 and 43-49-14 of the North Dakota Century Code, relating to the regulation of reflexologists; to amend and reenact sections 43-49-01, 43-49-02, 43-49-04, 43-49-05, 43-49-06, 43-49-08, 43-49-09, 43-49-12, and 43-49-13 of the North Dakota Century Code, relating to licensure of reflexologists; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-49-01 of the North Dakota Century Code is amended and reenacted as follows:

43-49-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the North Dakota board of reflexology.
2. "Reflexologist" means ~~a person~~ an individual who uses special pressure techniques on the reflexes in the human feet, hands, and ears and who has studied the principles of reflexology and anatomy and physiology generally included in a regular course of study licensed to practice reflexology.
3. "Reflexology" means the application of specific or alternating pressure by the use of the practitioner's hands, thumbs, and fingers, and accepted tools, ~~to reflex points in the client's hands, feet, or ears using alternating pressure, and such~~ reflexes using techniques such as thumb walking, finger walking, hook and back up, and rotation on a reflex.

SECTION 2. AMENDMENT. Section 43-49-02 of the North Dakota Century Code is amended and reenacted as follows:

43-49-02. Board - Appointment - Terms.

The board consists of three ~~licensed reflexologists~~ members appointed by the governor ~~except the first board need not consist of licensed members. A person must be a member of the North Dakota reflexology association in order to be eligible for appointment to, and continued membership on, the board. Each member shall hold a current license issued by the board.~~ The members must be appointed for three years, staggered so that the term of one member expires as of July first of each year. Each member shall hold office until that member's successor is appointed and qualified. In July of each year the board shall meet ~~at some convenient place within the state~~ and shall elect one member as president, one member as vice president, and one member as secretary-treasurer. The secretary-treasurer must be bonded in the sum of one thousand dollars for the faithful discharge of the secretary-treasurer's duties. The board may employ, and set the compensation of, employees to assist the ~~secretary-treasurer~~ board in the performance of the ~~secretary-treasurer's~~ board's duties. The board shall hold meetings ~~in the state~~ as determined necessary by the board to discharge its duties. Board members are entitled to receive ~~twenty-five dollars per day and travel expenses~~ compensation in an amount provided by law for state officials and employees when performing the official duties of the board. ~~In addition, the secretary-treasurer is to be paid an extra nine dollars per meeting.~~

SECTION 3. AMENDMENT. Section 43-49-04 of the North Dakota Century Code is amended and reenacted as follows:

43-49-04. Duties of the secretary-treasurer - Compensation - Expenses of the board.

The secretary-treasurer of the board shall:

1. Keep a record of:
 - a. ~~The name and, address, electronic mail address, if available, and phone number~~ of every person who is licensed to practice in the state;
 - b. The license number and date of issuance of the license for each licensed reflexologist;
 - c. The renewal date of each license; ~~and~~
 - d. Record of payments received; and
 - e. Other information as required by the board.
2. Furnish, upon demand, any person a certified copy of records upon payment of a ten dollar fee plus twenty-five cents for each page copied.
3. Prepare and submit to the governor ~~and the North Dakota reflexology association~~ a detailed annual report on the income and expenses of the board and a list of licensed reflexologists.

SECTION 4. Section 43-49-04.1 of the North Dakota Century Code is created and enacted as follows:

43-49-04.1. Board rules.

The board may adopt and enforce rules as necessary to implement this chapter.

SECTION 5. AMENDMENT. Section 43-49-05 of the North Dakota Century Code is amended and reenacted as follows:

43-49-05. Exemptions.

This chapter does not apply to the activities or services of physicians, chiropractors, physical therapists, cosmetologists, registered nurses, massage therapists, or members of other professions licensed, certified, or registered by the state who may on occasion apply pressure to ~~the reflex points in the hands, feet, and ears~~ reflexes in the course of their work. This chapter does not apply to an individual who takes a self-help class and applies reflexology without pay on immediate family members or the individual's body.

SECTION 6. AMENDMENT. Section 43-49-06 of the North Dakota Century Code is amended and reenacted as follows:

43-49-06. Requisites for licensure.

Any ~~person~~ individual who is eighteen years of age or more ~~and is either a bona fide resident of this state for at least one month immediately preceding the application or is a resident of another state who is practicing reflexology in this state~~ shall submit an application for licensure to the secretary-treasurer of the board. An applicant is entitled to be issued a license as a reflexologist if the applicant:

1. Presents a diploma, certification, or completion credentials ~~issued by a reputable school of reflexology which has submitted its curriculum to the board and has been approved by the board~~ which meets or exceeds a minimum of one hundred hours.
2. Presents three character references ~~citing that the applicant is of good moral character.~~
3. Passes a ~~reasonable demonstrative~~ practical and written examination in reflexology. If there is an applicant for examination, the board shall conduct an examination at least once a year at a

time and place designated by the board. Examinations must be held in the state. An applicant must receive a ~~general average score on the examination of seventy-five percent in all subjects involved and no score of less than fifty percent in any one subject~~ score of eighty percent or higher on the practical examination and a seventy percent or higher on the written examination. The board shall notify the applicant of the applicant's score. An applicant who fails to pass ~~any subject~~ either the written or practical examination is entitled to a re-examination on ~~that subject within six months~~ the portion that was failed upon payment of an additional fee of fifty dollars or an amount established by the board. ~~Two re-examinations exhaust the privilege under the original application.~~

4. Pays a licensing fee of ~~seventy-five~~ one hundred and fifty dollars or an amount set by the board.

SECTION 7. AMENDMENT. Section 43-49-08 of the North Dakota Century Code is amended and reenacted as follows:

43-49-08. Restriction on use of title.

A reflexologist licensed by the board may be held out as a "licensed reflexologist" and may use the abbreviation "L.R." as a part of or immediately following that ~~person's~~ individual's name, in connection with the profession. No ~~person~~ individual may use the title "licensed reflexologist" unless licensed in accordance with this chapter.

SECTION 8. AMENDMENT. Section 43-49-09 of the North Dakota Century Code is amended and reenacted as follows:

43-49-09. License - Display - Renewal - Renewal fee.

Each license must be conspicuously displayed at the place of practice. ~~A license must be recorded within thirty days after issuance in the office of the recorder, unless the board of county commissioners designates a different official, in any county where the reflexologist practices.~~

A license must be renewed before June first of each year. ~~A license renewed June first or later requires a late fee of fifty dollars or an amount established by the board.~~ The secretary-treasurer of the board shall ~~mail notice of renewal to~~ notify in writing each licensed reflexologist's ~~address~~ reflexologist as shown in the records of the board at least thirty days before the expiration of the license. The notice must include any requests for information as deemed necessary for renewal as required by the board. The licensed reflexologist may renew a license by sending a renewal fee of the amount set by the board, not to exceed one hundred dollars, to the secretary-treasurer of the board, ~~and submitting. The licensed reflexologist shall submit proof that the reflexologist has attended a seminar on reflexology at least once of completing twelve continuing education credits during the preceding three years. A license that is not renewed by June thirtieth lapses.~~

SECTION 9. AMENDMENT. Section 43-49-12 of the North Dakota Century Code is amended and reenacted as follows:

43-49-12. Revocation of licensing.

The ~~license of a licensed reflexologist~~ board may be ~~revoked, suspended, deny, refuse to renew, revoke, suspend, or annulled by the board~~ placed on probation a license issued under this chapter upon any ~~one or more~~ of the following grounds:

1. ~~That the person is guilty of gross~~ Gross malpractice or incompetence in the practice of reflexology.
2. ~~That the person's mental or physical health endangers public health or safety.~~
3. ~~That the person fails to comply with rules~~ Violation of the provisions under this chapter or the rules adopted by the board.

- ~~4.3. That the person is guilty of Advertising by means of knowingly false or deceptive advertising statements.~~
- ~~5.4. That the person engages in Grossly unprofessional or dishonest conduct.~~
5. Fraud or deceit in admission to the practice of reflexology.

SECTION 10. AMENDMENT. Section 43-49-13 of the North Dakota Century Code is amended and reenacted as follows:

43-49-13. Administrative procedures.

Any person may file a written complaint with the board seeking disciplinary action against a reflexologist for violations of this chapter or rules adopted by the board. If the board determines that a complaint alleges facts that, if true, would require denial, revocation, suspension, or nonrenewal or other disciplinary action of a licensed reflexologist, the board shall conduct a hearing. Any hearing regarding denial of a license or a disciplinary action must be held pursuant to chapter 28-32. The board may dismiss a complaint that does not state facts that warrant action.

SECTION 11. Section 43-49-14 of the North Dakota Century Code is created and enacted as follows:

43-49-14. Penalty.

It is a class B misdemeanor for an individual to advertise as a reflexologist or practice reflexology without a license.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2065.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 85 Nays 7 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State