

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2088  
(Human Services Committee)  
(At the request of the North Dakota Board of Athletic Trainers)

AN ACT to amend and reenact sections 43-39-05 and 43-39-08, subsection 3 of section 43-39-09, subsection 2 of section 43-39-10, and section 43-39-11 of the North Dakota Century Code, relating to athletic trainers; to repeal section 43-39-07 of the North Dakota Century Code, relating to grandfathering initial licensees; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 43-39-05 of the North Dakota Century Code is amended and reenacted as follows:

**43-39-05. Qualifications.**

To be eligible for an athletic trainer license, an applicant must meet all the requirements of certification established by the ~~national athletic trainers association~~ board of certification, incorporated.

**SECTION 2. AMENDMENT.** Section 43-39-08 of the North Dakota Century Code is amended and reenacted as follows:

**43-39-08. Examination required.**

All license applicants must ~~pass~~ have previously passed the board of certification, incorporated, examination prescribed by the board unless they show proof of passage of a board-approved equivalent examination. The athletic trainer's examination must embrace such criteria as may be determined by the board.

**SECTION 3. AMENDMENT.** Subsection 3 of section 43-39-09 of the North Dakota Century Code is amended and reenacted as follows:

3. A previously licensed person who ~~leaves the person's position of employment as an athletic trainer for any reason for one year or more and has requested license renewal must show continued education credits as established and approved by the board~~ have active status from the board of certification, incorporated.

**SECTION 4. AMENDMENT.** Subsection 2 of section 43-39-10 of the North Dakota Century Code is amended and reenacted as follows:

2. Nothing in this chapter shall be construed to authorize the practice of medicine by any person. The provisions of this chapter do not apply to physicians licensed by the North Dakota state board of medical examiners; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry; to licensed optometrists who confine their practice strictly to optometry as defined by law; to licensed chiropractors who confine their practice strictly to chiropractic as defined by law; to occupational therapists who confine their practice to occupational therapy; to nurses who practice nursing only; to duly licensed chiropodists or podiatrists who confine their practice strictly to chiropody or podiatry as defined by law; to registered physical therapists; to ~~masseurs or masseuses~~ massage therapists in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States army, navy, air force, marine corps, and public health and marine health service.

**SECTION 5. AMENDMENT.** Section 43-39-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-39-11. Penalty.**

Any person violating ~~any of the provisions of practicing as an athletic trainer without a license as required by this chapter~~ is guilty of a class B misdemeanor.

**SECTION 6. REPEAL.** Section 43-39-07 of the North Dakota Century Code is repealed.

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President of the Senate

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Speaker of the House

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

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2088.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 94            Nays 0            Absent 0

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

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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