

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

472L0487

HOUSE BILL NO. 1162

Introduced by: Representatives Rave, Boomgarden, Buckingham, Cutler, Davis, Deadrick, Faehn, Frost, Jensen, Kraus, McLaughlin, Miles, Murschel, Nelson, Olson (Ryan), Schafer, Tornow, Van Etten, and Willadsen and Senators Lintz, Knudson, Kooistra, Olson (Ed), Schoenbeck, Smidt, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to cardiopulmonary
2 resuscitation directives.

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

4 Section 1. That § 34-12F-1 be amended to read as follows:

5 34-12F-1. Terms used in this chapter mean:

- 6 (1) "Cardiopulmonary resuscitation," measures to restore cardiac function or to support
7 breathing in the event of respiratory or cardiac arrest or malfunction.
8 Cardiopulmonary resuscitation includes chest compression, delivering electric shock
9 to the chest, or manual or mechanical methods to assist breathing;
- 10 (2) "~~Cardiopulmonary~~ EMS cardiopulmonary resuscitation directive," an advance
11 medical directive pertaining to the administration of cardiopulmonary resuscitation,
12 ~~including any directive pursuant to chapters 34-12C, 34-12D, or 59-7~~ which is a
13 medical order based on informed consent, signed by or on behalf of an individual and
14 a physician, a physician assistant, or a nurse practitioner, directing emergency



medical services personnel to not perform resuscitative measures in the event of respiratory or cardiac arrest or malfunction;

(3) "Emergency medical service personnel," any emergency medical technician at any level as defined in § 36-4B-1;

(4) "Informed consent," consent voluntarily, knowingly, and competently given without any element of force, fraud, deceit, duress, threat, or other form of coercion after explanation by a physician, physician's assistant, or nurse practitioner of any information that a reasonable person would consider significant to the decision in a manner reasonably comprehensible to general lay understanding.

Section 2. That § 34-12F-2 be amended to read as follows:

34-12F-2. Any adult who has the decisional capacity to provide informed consent to, or refusal of, medical treatment, or any other person who is, pursuant to § 34-12C-2 or 59-7-2.5 or other laws of this state, authorized to make medical treatment decisions on behalf of a person who lacks such decisional capacity, may execute ~~a~~ an EMS cardiopulmonary resuscitation directive.

Section 3. That § 34-12F-3 be amended to read as follows:

34-12F-3. The Department of Public Safety ~~shall~~ may promulgate rules, pursuant to chapter 1-26, for the implementation of EMS cardiopulmonary resuscitation directives by emergency medical personnel. ~~The~~ Any such rules ~~promulgated~~ shall include protocols for uniform methods for rapid identification of persons, including a unique, immediately recognizable bracelet to be worn for immediate identification of persons who have executed ~~a~~ an EMS cardiopulmonary resuscitation directive, controlled distribution of the methods of identifying such persons ~~who have executed a cardiopulmonary resuscitation directive~~, and any other pertinent information. Nothing in this section may be construed to restrict any other manner in

1 which a person may make a cardiopulmonary resuscitation directive.

2 Section 4. That § 34-12F-4 be amended to read as follows:

3 34-12F-4. Any emergency medical service personnel, health care provider, and health care
4 facility shall comply with a person's EMS cardiopulmonary resuscitation directive that is
5 apparent and immediately available. Any emergency medical service personnel, health care
6 provider, health care facility, or any other person who, in good faith, complies with a an EMS
7 cardiopulmonary resuscitation directive which is perceived to be valid is not subject to civil or
8 criminal liability or to discipline for unprofessional conduct.

9 Section 5. That § 34-12F-5 be amended to read as follows:

10 34-12F-5. Compliance by any emergency medical service personnel, health care provider,
11 or health care facility with a an EMS cardiopulmonary resuscitation directive does not affect the
12 criminal prosecution of any person otherwise charged with the commission of a criminal act.

13 Section 6. That § 34-12F-6 be amended to read as follows:

14 34-12F-6. ~~A~~ An EMS cardiopulmonary resuscitation directive for any person who is
15 admitted to a health care facility shall be implemented as a physician's order concerning
16 resuscitation as directed in the EMS cardiopulmonary resuscitation directive, pending any
17 further order by a physician.

18 Section 7. That § 34-12F-7 be amended to read as follows:

19 34-12F-7. Neither a an EMS cardiopulmonary resuscitation directive nor the failure of a
20 person to execute one affects, impairs, or modifies any contract of life or health insurance or
21 annuity or constitutes the basis for any delay in issuing or refusing to issue an annuity or policy
22 of life or health insurance or any increase of a premium therefor.

23 Section 8. That § 34-12F-8 be amended to read as follows:

24 34-12F-8. ~~A~~ An EMS cardiopulmonary resuscitation directive may be revoked at any time

- 1 by the person who is the subject of the directive or by any other person who is, pursuant to the
- 2 laws of this state or any other state, authorized to make medical treatment decisions on behalf
- 3 of the person who is the subject of the directive.