

AN ACT

ENTITLED, An Act to revise certain provisions relating to cardiopulmonary resuscitation directives.

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

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

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

- (1) "Cardiopulmonary resuscitation," measures to restore cardiac function or to support breathing in the event of respiratory or cardiac arrest or malfunction. Cardiopulmonary resuscitation includes chest compression, delivering electric shock to the chest, or manual or mechanical methods to assist breathing;
- (2) "EMS cardiopulmonary resuscitation directive," an advance medical directive pertaining to the administration of cardiopulmonary resuscitation, which is a medical order based on informed consent, signed by or on behalf of an individual and 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 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 may promulgate rules, pursuant to chapter 1-26, for the implementation of EMS cardiopulmonary resuscitation directives by emergency medical personnel. Any such rules 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 an EMS cardiopulmonary resuscitation directive, controlled distribution of the methods of identifying such persons, and any other pertinent information. Nothing in this section may be construed to restrict any other manner in which a person may make a cardiopulmonary resuscitation directive.

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

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

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

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

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

34-12F-6. An EMS cardiopulmonary resuscitation directive for any person who is admitted to

a health care facility shall be implemented as a physician's order concerning resuscitation as directed in the EMS cardiopulmonary resuscitation directive, pending any further order by a physician.

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

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

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

34-12F-8. An EMS cardiopulmonary resuscitation directive may be revoked at any time by the person who is the subject of the directive or by any other person who is, pursuant to the laws of this state or any other state, authorized to make medical treatment decisions on behalf of the person who is the subject of the directive.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1162

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1162

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State