



2021 South Dakota Legislature

Senate Bill 6

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 **An Act to correct technical errors in statutory cross-references related to the**
 2 **Department of Social Services.**

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

4 **Section 1.** That § 26-6-20.8 be AMENDED.

5 **26-6-20.8. Revocation of license--Cause.**

6 Failure of any group home or care center to keep complete records or to comply
 7 with any other provision of §§ 26-6-20.1 to 26-6-20.10, inclusive, shall constitute cause
 8 for revocation of the licenses held by the administrator or operator of such homes, centers,
 9 or facilities, ~~under chapter 34-12A.~~

10 **Section 2.** That § 34-23B-6 be AMENDED.

11 **34-23B-6. Referral to alcohol or drug program--Immunity from liability.**

12 Any physician, physician's assistant, nurse, certified nurse practitioner, certified
 13 nurse midwife, counselor, social worker, licensed or registered child welfare provider,
 14 employee or volunteer of a domestic abuse center, chemical dependency counselor, or
 15 safety sensitive position as defined in ~~subdivision 23-3-64(2)~~ § 3-6C-1 who provides
 16 services to a pregnant woman may make a referral to a prevention or treatment program
 17 accredited pursuant to chapter 34-20A if the provider has information that a pregnant
 18 woman is engaging in the abusive use of alcohol or use of any controlled drug or substance
 19 not lawfully prescribed by a practitioner as authorized by chapter 22-42 or 34-20B. Any
 20 such provider, who, in good faith, makes a referral to a prevention or treatment program
 21 accredited pursuant to chapter 34-20A of a pregnant woman engaging in abusive use of
 22 alcohol, abusive use of a lawfully prescribed controlled substance, or use of any controlled
 23 drug or substance not lawfully prescribed by a practitioner as authorized by chapter 22-
 24 42 or 34-20B, is immune from any liability, civil or criminal, that might otherwise be
 25 incurred or imposed, and has the same immunity with respect to participation in any

1 judicial proceeding resulting from the referral. This immunity also extends to any public
2 official who in good faith is involved in the investigation of such conduct or to any person
3 described in this section who in good faith cooperates with any public official in an
4 investigation. Any referral pursuant to this section is permissive and nothing in this section
5 requires the making of any referral.