

## 2021 South Dakota Legislature

**Senate Bill 3****AMENDMENT 3G FOR THE INTRODUCED BILL**

1 **An Act to enforce directives regarding contagious disease control.**

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

3 ~~**Section 1.** That section 2 of chapter 145 of the 2020 Session Laws be REPEALED.~~

4 **Section 1.** That § 34-22-18.1 be AMENDED.

5 ~~**34-22-18.1. [Effective until July 1, 2021] Action for injunction to enforce**~~  
6 ~~**department directive or order--Confidential information.**~~

7 ~~If the department has determined by medical or epidemiological information that a~~  
8 ~~person is infected with, or is reasonably suspected of having active tuberculosis, severe~~  
9 ~~acute respiratory syndrome coronavirus 2, which causes the disease known as COVID-~~  
10 ~~19, any middle east respiratory syndrome (MERS), severe acute respiratory syndrome~~  
11 ~~(SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition which is the~~  
12 ~~subject of a declared public health emergency pursuant to § 34-22-42, and that person~~  
13 ~~presents a health threat to others, the department may commence an action in circuit~~  
14 ~~court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to enforce~~  
15 ~~any applicable department directive or order. The court shall treat individually~~  
16 ~~identifying information including the gender, age, ethnicity, race, national origin,~~  
17 ~~location, or identity of any person subject to the proceedings as strictly confidential~~  
18 ~~information. If necessary, identifying numbers or initials may be used to protect the~~  
19 ~~individually identifying information of the person.~~

20 ~~**34-22-18.1. [Effective July 1, 2021] Action for injunction to enforce**~~  
21 ~~**department directive or order--Confidential information.**~~

22 ~~If the department has determined~~For the period beginning July 1, 2021, and  
23 ending June 30, 2022, if the department determines by medical or epidemiological  
24 information that a person is confirmed to be infected with, or is reasonably suspected of  
25 having an active tuberculosis, severe acute respiratory syndrome coronavirus 2, which

1 causes the disease known as COVID-19, any middle east respiratory syndrome (MERS),  
2 severe acute respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or  
3 any disease or condition which is the subject of a declared public health emergency  
4 pursuant to § 34-22-42, and that person presents a health threat to others, the  
5 department may commence an action in circuit court, pursuant to chapters 15-6 and 21-  
6 8, for injunctive relief as necessary to enforce any applicable department directive or  
7 order.

8 Beginning July 1, 2022, if the department determines by medical or  
9 epidemiological information that a person is confirmed to be infected with an active  
10 tuberculosis, any middle east respiratory syndrome (MERS), severe acute respiratory  
11 syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition  
12 which is the subject of a declared public health emergency pursuant to § 34-22-42, and  
13 that person presents a health threat to others, the department may commence an action  
14 in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to  
15 enforce any applicable department directive or order.

16 The court shall treat individually identifying information including the gender,  
17 age, ethnicity, race, national origin, location, or identity of any person subject to the  
18 proceedings as strictly confidential information. If necessary, identifying numbers or  
19 initials may be used to protect the individually identifying information of the person.

20 Nothing in this section authorizes the department to compel a person to be  
21 vaccinated.