



## 2021 South Dakota Legislature

# Senate Bill 3

### HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

*Introduced by: The Committee on Health and Human Services at the request of the Department of Health*

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 § 34-22-18.1 be AMENDED.

4 ~~34-22-18.1. [Effective until July 1, 2021] Action for injunction to enforce department~~  
5 ~~directive or order--Confidential information.~~

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

19 **34-22-18.1. [Effective July 1, 2021] Action for injunction to enforce**  
20 **department directive or order--Confidential information.**

21 If the department has determined by medical or epidemiological information that  
22 a person is confirmed to be infected with, ~~or is reasonably suspected of having an~~ active  
23 tuberculosis, severe acute respiratory syndrome coronavirus 2, which causes the disease  
24 known as COVID-19, any middle east respiratory syndrome (MERS), severe acute  
25 respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease or  
26 condition which is the subject of a declared public health emergency pursuant to § 34-22-

1 42, and that person presents a health threat to others, the department may commence  
2 an action in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as  
3 necessary to enforce any applicable department directive or order. The court shall treat  
4 individually identifying information including the gender, age, ethnicity, race, national  
5 origin, location, or identity of any person subject to the proceedings as strictly confidential  
6 information. If necessary, identifying numbers or initials may be used to protect the  
7 individually identifying information of the person.

8 Nothing in this section authorizes the department to compel a person to be  
9 vaccinated.