

2021 South Dakota Legislature

Senate Bill 3**AMENDMENT 3J FOR THE HOUSE HEALTH AND HUMAN SERVICES 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 § 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, or for the period beginning July 1, 2021, and ending June 30, 2022, severe acute
2 respiratory syndrome coronavirus 2, which causes the disease known as COVID-19, and
3 if that person presents a health threat to others, the department may commence an action
4 in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to
5 ~~enforce any applicable department directive or order~~ limit the person's contact with the
6 general public, for a prescribed period of time.

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

11 Nothing in this section authorizes the department to compel a person to be
12 vaccinated or to submit to any medical care or treatment.