



2022 South Dakota Legislature

House Bill 1258

Introduced by: **Representative** Gosch

1 **An Act to prohibit obtaining an individual's COVID-19 vaccination status without the**
 2 **consent of the individual.**

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

4 **Section 1. That chapter 34-22 be amended with a NEW SECTION:**

5 Any information or record indicating an individual is vaccinated, will be vaccinated,
 6 or is not vaccinated, in whole or in part, against the COVID-19 virus, as defined in § 21-
 7 68-1, is strictly confidential medical information. This information may not be released,
 8 shared with any agency or institution, or made public, upon subpoena, search warrant,
 9 discovery proceedings, or otherwise, and is not admissible as evidence in any action of
 10 any kind in any court or before any tribunal, board, agency, or person, unless with the
 11 voluntary and informed consent of the individual.

12 However, the Department of Health may obtain and release this information under
 13 the following circumstances:

- 14 (1) For statistical purposes in such a manner that no person can be identified;
 15 (2) To the extent necessary to enforce the provisions of chapter 34-22 and rules
 16 promulgated pursuant to this chapter concerning the prevention, treatment,
 17 control, and investigation of communicable diseases; and
 18 (3) To the extent necessary to protect the health or life of a named person.

19 **Section 2. That chapter 34-22 be amended with a NEW SECTION:**

20 Any person who knowingly or intentionally discloses or fails to protect information
 21 as required under section 1 of this Act, or who knowingly or intentionally compels or
 22 requires another person to disclose such information, is guilty of a Class 1 misdemeanor.