

## 2024 South Dakota Legislature

**House Bill 1097****AMENDMENT 1097D  
FOR THE HOUSE HEALTH AND HUMAN SERVICES  
ENGROSSED BILL**

1 **An Act to authorize transportation activities by air ambulance operators.**

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

3 **Section 1. That a NEW SECTION be added to chapter 34-11:**

4 An air ambulance operator may use a ground ambulance to transport a patient  
5 between:

6 (1) An acute care hospital and the airport at which the service maintains its ordinary  
7 and usual place of business; and

8 (2) The airport at which the air ambulance operator maintains its ordinary and usual  
9 place of business and an acute care hospital.

10 **Section 2. That a NEW SECTION be added to chapter 34-11:**

11 ~~An~~ ~~A~~ ~~hospital-based~~ air ambulance operator may utilize the operator's ground  
12 ambulance for the transfer of a patient from one healthcare facility to another healthcare  
13 facility if:

14 ~~(1) The patient's attending medical practitioner determines that the patient requires a~~  
15 ~~level of care that is not available without a transfer; and~~

16 ~~(2) The operator is unable to use the operator's air ambulance to transport the patient~~  
17 ~~due to:~~

18 ~~(1) The hospital-based air ambulance operator holds a 14 C.F.R. Part 135 (January 1,~~  
19 ~~2024) certificate;~~

20 ~~(2) The area's primary ambulance service provider is first given the opportunity to~~  
21 ~~transport the patient but is unable to:~~

22 ~~(a) Provide the transport because of insufficient staffing;~~

23 ~~(b) Provide the transport because doing so is outside of its medical capabilities;~~

24 ~~or~~  
25

- 1 (c) Begin the transport within thirty minutes of the request; and
- 2 (3) The use of an air ambulance is precluded due to:
- 3 (a) Mechanical problems; or
- 4 (b) Inclement weather conditions.

AMENDED