

## 2025 South Dakota Legislature

**House Bill 1061****AMENDMENT 1061A  
FOR THE INTRODUCED BILL**

1 **An Act to prohibit a health care provider from restricting or denying a parent or**  
2 **guardian's access to certain medical records and other health information of**  
3 **a minor.**

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

5 **Section 1. That a NEW SECTION be added to chapter 36-2:**

6 ~~Unless a minor has lawfully obtained a health care service without the consent or~~  
7 ~~notification of a parent or guardian, a~~ health care provider may not restrict or deny, to  
8 ~~a minor's~~ parent or guardian ~~who has authority to make health care decisions on behalf~~  
9 ~~of a minor,~~ access to the minor's:

10 (1) Electronic health information;

11 (2) Medical record; or

12 (3) Patient portal.

13 Any agreement between a health care provider and a parent or guardian that  
14 restricts or denies access to the parent or guardian in violation of this section is void and  
15 unenforceable.

16 ~~This section does not apply to a minor who has lawfully obtained a health care~~  
17 ~~service without the consent or notification of a parent or guardian, or as provided in 45~~  
18 ~~C.F.R. § 164.502(g)(5) (January 1, 2025).~~