

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

619Y0016

## SENATE BILL NO. 2

Introduced by: Senators White, Bolin, and Monroe and Representatives Stevens, Haugaard, and Tieszen at the request of the Interim Substance Abuse Prevention Study Committee

1 FOR AN ACT ENTITLED, An Act to require prescribers to access the prescription drug  
2 monitoring program database prior to issuing a prescription to certain controlled substances.

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

4 Section 1. That § 34-20E-11 be amended to read:

5 34-20E-11. ~~Nothing in this chapter requires a prescriber or dispenser to obtain information~~  
6 ~~about a patient from the central repository prior to prescribing or dispensing a controlled~~  
7 ~~substance. A prescriber, dispenser, or other health care provider may not be held liable in~~  
8 ~~damages to any person in any civil action on the basis that the prescriber, dispenser, or other~~  
9 ~~health care provider did or did not seek to obtain information from the central repository. Unless~~  
10 ~~there is shown a lack of good faith, the board, a prescriber, dispenser, or any other person in~~  
11 ~~proper possession of information provided under this chapter is not subject to any civil liability~~  
12 ~~by reason of:~~

13 (1) The furnishing of information under the conditions provided in this chapter;

14 (2) The receipt and use of, or reliance on, ~~such~~ the information;



1 (3) The fact that any ~~such~~ of the information was not furnished; or

2 (4) The fact that ~~such~~ the information was factually incorrect or was released by the  
3 board to the wrong person or entity.

4 Section 2. That chapter 34-20E be amended by adding a NEW SECTION to read:

5 A prescriber shall review a patient's prescription drug record available through the program  
6 before the prescriber issues a prescription order for any controlled substance referenced in this  
7 chapter.

8 Section 3. That chapter 34-20E be amended by adding a NEW SECTION to read:

9 The requirement under section 2 of this Act does not apply if:

10 (1) The patient is receiving hospice care;

11 (2) The prescription is for a number of doses that is intended to last the patient three days  
12 or less and is not subject to refill;

13 (3) The monitored prescription is lawfully administered to the patient; or

14 (4) Due to emergency, the prescriber is unable to review the patient's records prior to  
15 issuing the prescription.

16 Section 4. This Act is effective on July 1, 2018.