

2020 South Dakota Legislature

House Bill 1104**AMENDMENT 1104C FOR THE INTRODUCED BILL**

1 **An Act to limit the scope of medical information that may be required as a condition**
2 **of participation in sanctioned activities.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **13-36-15. Student medical information--Release--Limitations.**

6 Except as otherwise provided in this section, the board of a school district may not
7 require that, as a condition of a student's participation in any activity sanctioned by an
8 association meeting the requirements of § 13-36-4, the student's parent provide the
9 district with a signed document authorizing a health care provider to release or disclose
10 the student's medical information.

11 The board of a school district may require that, as a condition of a student's
12 participation in any activity sanctioned by an association meeting the requirements of
13 § 13-36-4, the student's parent provide to the district a copy of the student's physical
14 examination form, signed by a doctor of medicine, a doctor of osteopathy, a doctor of
15 chiropractic, a nurse practitioner, or a physician assistant, and if a physical examination
16 is not required on an annual basis, the student's annual interim pre-participation medical
17 history form, signed by the student's parent and certifying that the student is physically
18 able to participate in an activity.

19 Information provided under this section is deemed to be part of the student's
20 educational record and may be utilized by school district personnel only to:

21 (1) Verify the student's physical ability to participate in a sanctioned activity;

22 (2) Identify any limitations on the student's physical ability to participate in a
23 sanctioned activity; and

24 (3) Participate in any of the student's treatment protocols, provided the protocols are
25 determined by a health care provider working under the provider's scope of
26 practice and the participation is at the direction of the provider.

1 **Section 2.** That a NEW SECTION be added:

2 **13-36-16. Disclosure of information—Conditions.**

3 Nothing in § 13-36-15 limits the ability of an athletic trainer or any other health
4 care provider, who is employed by, under contract to, or otherwise enlisted or permitted
5 by a school or school district to provide health care to students participating in a
6 sanctioned activity from disclosing information regarding the health or health care of a
7 student provided:

- 8 (1) The athletic trainer or other health care provider, in his or her professional
9 judgement, determines that the disclosure is in the best interest of the student;
10 and
11 (2) The person to whom the information is disclosed has a direct and relevant
12 involvement in or need to know about the health or health care of the student.