



## 2020 South Dakota Legislature

# House Bill 1295

Introduced by: **Representative** Jamie Smith

1 **An Act to revise certain provisions regarding contagious disease control and**  
 2 **enforcement and to declare an emergency.**

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

4 **Section 1.** That § 34-22-18.1 be AMENDED:

5 **34-22-18.1. Action for injunction to enforce department directive or order--**  
 6 **Confidential information.**

7 If the department has determined by medical or epidemiological information that  
 8 a person is infected with, or is reasonably suspected of having active tuberculosis, a  
 9 coronavirus respiratory syndrome, any middle east respiratory syndrome (MERS), severe  
 10 acute respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease  
 11 or condition which is the subject of a declared public health emergency pursuant to § 34-  
 12 22-42, and that person presents a health threat to others, the department may commence  
 13 an action in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as  
 14 necessary to enforce any applicable department directive or order. The court shall treat  
 15 individually identifying information including the gender, age, ethnicity, race, national  
 16 origin, location, or identity of any person subject to the proceedings as strictly confidential  
 17 information. If necessary, identifying numbers or initials may be used to protect the  
 18 individually identifying information of the person.

19 **Section 2.** This Act is repealed on July 1, 2021.

20 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
 21 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force  
 22 and effect from and after its passage and approval.