

Senate Daily Reader

Friday, January 26, 2001

Bills Included				
HB 1050	SB 85	SB 87	SB 88	

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0320

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1050 - 01/25/2001

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding genetic testing and
2 analysis in paternity cases.

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

4 Section 1. That § 25-8-7.1 be amended to read as follows:

5 25-8-7.1. In any action or proceeding in which the parentage of a child is at issue, upon
6 motion of the court, ~~or upon motion of~~ the department, or any of the interested parties ~~for good~~
7 ~~cause shown~~, the court shall, for good cause shown, order the mother, the child, ~~and~~ or any
8 alleged father to submit to an examination of blood, tissue, or other bodily substances for the
9 purpose of testing any genetic systems that are generally accepted within the scientific
10 community for the conclusive determination of paternity probability. The results of the tests,
11 together with the opinions and conclusions of the testing laboratory, shall be filed with the court.
12 Upon written agreement of the mother and any presumed or alleged father, tests may be
13 conducted prior to filing of an action. If the action is then filed, the test results shall be filed with
14 the court and admitted into evidence as provided in § 25-8-7.3.

1 Section 2. That § 25-8-7.2 be amended to read as follows:

2 25-8-7.2. Only a physician, laboratory technician, registered nurse, physician's assistant,
3 phlebotomist, expanded role licensed practical nurse, medical technician, or medical technologist,
4 acting under court order, or at the request of both the mother and any alleged father of the child,
5 may withdraw blood, ~~tissue~~ for the purpose of testing genetic systems to determine parentage.
6 Tissue, saliva, or other bodily substances may be withdrawn, by a qualified person, acting under
7 court order, or at the request of both the mother and any alleged father of the child, using a
8 noninvasive procedure, for the purpose of testing genetic systems to determine parentage. ~~Such~~
9 ~~persons~~ No person, and any no entity, hospital, or laboratory employing such ~~persons, are not~~
10 person, is liable for damages to the party from whom the blood, tissue, or other bodily substance
11 is withdrawn, if the withdrawal is administered with usual and ordinary care.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

562E0406

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 85 - 01/25/2001

Introduced by: Senators Albers, Apa, Hutmacher, McCracken, and Olson (Ed) and
Representatives Madsen, Abdallah, Flowers, Hennies (Thomas), Jaspers,
Konold, Pederson (Gordon), Peterson (Bill), Smidt, and Solum

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from receiving a permit to carry
2 a concealed pistol.

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

4 Section 1. That § 23-7-7.1 be amended to read as follows:

5 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of
6 application to a person if the applicant:

- 7 (1) Is eighteen years of age or older;
- 8 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime
9 of violence;
- 10 (3) Is not habitually in an intoxicated or drugged condition;
- 11 (4) Has no history of violence;
- 12 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
13 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 14 (6) Has been a resident of the county or municipality where the application is being made

1 for at least thirty days;

2 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 in the two years preceding the
3 date of application; ~~and~~

4 (8) Is a citizen of the United States or has been in the United States legally for at least
5 two years; and

6 (9) Is not disqualified from owning or possessing a firearm pursuant to the Gun Control
7 Act, 18 U.S.C. 922(g)(8), 18 U.S.C. 922(g)(9), and 18 U.S.C. § 921(a), as of
8 January 1, 2001.

9 A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

10 Section 2. If the Gun Control Act, 18 U.S.C. 922(g)(8), 18 U.S.C. 922(g)(9), and 18 U.S.C.
11 § 921(a), is repealed, then subdivision 23-7-7.1(9) is repealed.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

634E0382

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 87** - 01/25/2001

Introduced by: Senators Diedtrich (Elmer), Moore, and Whiting and Representatives
Solum, Davis, McCoy, Slaughter, and Van Etten

1 FOR AN ACT ENTITLED, An Act to provide for uniform prescription drug information cards.

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

3 Section 1. Any health benefit plan that provides coverage for prescription drugs or devices,
4 or administers such a plan, including third-party administrators for self-insured plans and state-
5 administered plans, shall issue to its insureds a card or other technology containing uniform
6 prescription drug information. The uniform prescription drug information card or technology
7 shall be in the format approved by the National Council for Prescription Drug Programs
8 (NCPDP) and shall include all of the required and conditional or situational fields and conform
9 to the most recent pharmacy identification card or technology implementation guide produced
10 by NCPDP or conform to a national format acceptable to the director of the Division of
11 Insurance.

12 Section 2. A health benefit plan shall issue a card or other technology required by section 1
13 of this Act upon enrollment. The card or technology shall be reissued upon any change in the
14 insured's coverage that impacts data contained on the card or upon any change in the NCPDP

1 implementation guide. Newly issued cards or technology shall be updated with the latest
2 coverage information and shall conform to the NCPDP standards then in effect and to the
3 implementation guide then in use.

4 Section 3. As used in this Act, the term, health benefit plan, means an accident and health
5 insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a
6 health maintenance organization subscriber contract; a plan provided by a multiple employer
7 welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted
8 by the Employee Retirement Income Security Act of 1974, as amended to January 1, 2001, or
9 by any waiver of or other exception to that Act provided under federal law or regulation. The
10 term does not apply to any plan, policy, or contract that provides coverage only for:

- 11 (1) Accident;
- 12 (2) Credit;
- 13 (3) Disability income;
- 14 (4) Specified disease;
- 15 (5) Dental;
- 16 (6) Vision;
- 17 (7) Coverage issued as a supplement to liability insurance;
- 18 (8) Medical payments under automobile or homeowners;
- 19 (9) Insurance under which benefits are payable with or without regard to fault and that
20 is statutorily required to be contained in any liability policy or equivalent self-
21 insurance; and
- 22 (10) Hospital income or indemnity.

23 Section 4. This Act applies to health benefit plans that are delivered, issued for delivery, or
24 renewed on and after July 1, 2001. For purposes of this Act, renewal of a health benefit policy,

1 contract, or plan is presumed to occur on each anniversary of the date on which coverage was
2 first effective on the person or persons covered by the health benefit plan.

3 Section 5. The director of insurance shall enforce the provisions of this Act. The director of
4 insurance may promulgate rules pursuant to chapter 1-26 to establish the format for the uniform
5 information card or technology to be used in the state following the standards established in
6 sections 1 and 2 of this Act.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

670E0381

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 88** - 01/25/2001

Introduced by: Senators Olson (Ed), Duxbury, and Whiting and Representatives Monroe, Davis, Garnos, Solum, and Van Etten

1 FOR AN ACT ENTITLED, An Act to prohibit certain deceptive trade practices regarding
2 prescription discount cards.

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

4 Section 1. That § 37-24-6 be amended by adding thereto a NEW SUBDIVISION to read as
5 follows:

6 Sell, market, promote, advertise, or otherwise distribute any card or other purchasing
7 mechanism or device that is not insurance that purports to offer discounts or access to discounts
8 from pharmacies for prescription drug purchases if:

9 (a) The card or other purchasing mechanism or device does not expressly state in
10 bold and prominent type, prevalently placed, that discounts are not insurance;

11 (b) The discounts are not specifically authorized by a separate contract with each
12 pharmacy listed in conjunction with the card or other purchasing mechanism
13 or device; or

14 (c) The discount or access to discounts offered, or the range of discounts or access

1 to the range of discounts, is misleading, deceptive, or fraudulent, regardless of
2 the literal wording.

3 Section 2. The provisions of section 1 of this Act do not apply to a customer discount or
4 membership card issued by a store or buying club for use in that store or buying club.