

AN ACT

ENTITLED, An Act to to provide for reporting the occurrence of fetal alcohol syndrome.

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

Section 1. That chapter 34-24 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Health shall provide for the collection and processing of mandatory reports of identifiable and suspected cases of fetal alcohol syndrome from all physicians, hospitals, and institutions. To implement this section, the department may adopt rules, pursuant to chapter 1-26, specifying the definitions, methods by which reports shall be made, and the content and timeliness of such reports.

Section 2. That chapter 34-24 be amended by adding thereto a NEW SECTION to read as follows:

Any report required to be submitted pursuant to section 1 of this Act is strictly confidential. The reports may not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings or otherwise and are not admissible as evidence in any action of any kind in a court or before any tribunal, board, agency or person. However, release of medical or epidemiological information may be authorized by the Department of Health under any of the following circumstances:

- (1) For statistical purposes in such a manner that no person can be identified;
- (2) With the written consent of the person identified in the information released;
- (3) To the extent necessary to enforce the provisions of this Act and rules promulgated thereunder concerning the prevention and treatment of fetal alcohol syndrome; or
- (4) To the extent necessary to protect the health or life of a named person.

Section 3. That chapter 34-24 be amended by adding thereto a NEW SECTION to read as

follows:

Except as provided in section 2 of this Act, any person responsible for recording, reporting, or maintaining medical reports required to be submitted pursuant to section 1 of this Act, who knowingly or intentionally discloses or fails to protect medical reports declared to be confidential under section 2 of this Act, or who compels another person to disclose such medical reports, is guilty of a Class 1 misdemeanor.

Section 4. That chapter 34-24 be amended by adding thereto a NEW SECTION to read as follows:

Good faith reporting or disclosure pursuant to section 1 of this Act does not constitute a libel or slander or a violation of the right to privacy of privileged communication.

Section 5. That chapter 34-24 be amended by adding thereto a NEW SECTION to read as follows:

Any person who in good faith complies with the reporting requirements of section 1 of this Act is immune from civil and criminal liability for such action taken in compliance with the provisions of section 1 of this Act. Compliance by a person or facility with the reporting requirements of section 1 of this Act fulfills any duty of the person or facility to protect the public health.

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I certify that the attached Act
originated in the

SENATE as Bill No. 218

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 218

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State