

AN ACT

ENTITLED, An Act to revise the emergency powers of the Department of Health.

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

Section 1. That chapter 34-22 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this Act, a public health emergency is an occurrence or imminent threat of an illness, health condition, or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to the affected population.

Section 2. That chapter 34-22 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of health, with the consent of the Governor, may declare a public health emergency as defined by section 1 of this Act. In declaring a public health emergency, the secretary shall issue an order that specifies:

- (1) The nature of the public health emergency;
- (2) The geographic area subject to the declaration;
- (3) The conditions that have brought about the public health emergency; and
- (4) The expected duration of the state of public health emergency, if less than thirty days.

Section 3. That chapter 34-22 be amended by adding thereto a NEW SECTION to read as follows:

The department shall have primary jurisdiction, responsibility, and authority for responding to a public health emergency declared pursuant to section 2 of this Act including:

- (1) Planning and executing public health emergency assessment, mitigation, preparedness, and response;
- (2) Coordinating public health emergency response between state and local authorities;

- (3) Collaborating with relevant federal, state, tribal, and local authorities; and
- (4) Organizing public information activities regarding public health emergency response operations.

The Department of Health may promulgate rules, pursuant to chapter 1-26, to implement the provisions of this section.

Section 4. That chapter 34-22 be amended by adding thereto a NEW SECTION to read as follows:

Any public health emergency declared pursuant to section 2 of this Act shall be terminated automatically after thirty days unless renewed by the secretary under the same standards and procedures set forth in section 2 of this Act.

Section 5. That § 34-3-26 be amended to read as follows:

34-3-26. The powers and duties of the board of health in a full-time county or district health department shall be the same as those specified for county boards of health and the superintendents thereof as provided for by chapter 34-16 and sections 8 and 9 of this Act.

Section 6. That chapter 34-16 be amended by adding thereto a NEW SECTION to read as follows:

Each county may establish a county board of health which shall be composed of the state's attorney of the county, who shall be president of the board; a physician, a physician assistant, or nurse practitioner who practices in the county, appointed by the Department of Health, who shall serve as superintendent of the board of health; and one other resident of the county.

Section 7. That chapter 34-16 be amended by adding thereto a NEW SECTION to read as follows:

The county board of health shall meet at the county seat at such times as the superintendent may designate. The president of the county board of health shall preside at the meetings.

Section 8. That chapter 34-16 be amended by adding thereto a NEW SECTION to read as follows:

The superintendent of the county board of health shall have charge of and superintend, subject to the approval of the board, all the matters and things specified in this chapter. In case of immediate danger to the health of persons, the superintendent may act without consultation with the county board, for the prevention of such danger, and shall immediately report the action to the president of the county board and to the secretary of health.

Section 9. That chapter 34-16 be amended by adding thereto a NEW SECTION to read as follows:

The county board of health, within the territorial limits of its county not included in any first or second class municipality having its own board of health, may remove or cause to be removed any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals.

Section 10. That § 34-2-1 be repealed.

Section 11. That § 34-2-2 be repealed.

Section 12. That § 34-2-3 be repealed.

Section 13. That § 34-2-4 be repealed.

Section 14. That § 34-2-5 be repealed.

Section 15. That § 34-2-6 be repealed.

Section 16. That § 34-2-7 be repealed.

Section 17. That § 34-2-8 be repealed.

Section 18. That § 34-2-9 be repealed.

Section 19. That § 34-2-10 be repealed.

Section 20. That § 34-2-11 be repealed.

- Section 21. That § 34-2-12 be repealed.
- Section 22. That § 34-2-13 be repealed.
- Section 23. That § 34-2-14 be repealed.
- Section 24. That § 34-2-15 be repealed.
- Section 25. That § 34-2-16 be repealed.
- Section 26. That § 34-16-3 be repealed.
- Section 27. That § 34-16-4 be repealed.
- Section 28. That § 34-16-6 be repealed.
- Section 29. That § 34-16-7 be repealed.
- Section 30. That § 34-16-8 be repealed.
- Section 31. That § 34-16-9 be repealed.
- Section 32. That § 34-16-10 be repealed.
- Section 33. That § 34-16-11 be repealed.
- Section 34. That § 34-16-12 be repealed.
- Section 35. That § 34-16-13 be repealed.
- Section 36. That § 34-22-3 be repealed.
- Section 37. That § 34-22-4 be repealed.

An Act to revise the emergency powers of the Department of Health.

I certify that the attached Act originated in the

HOUSE as Bill No. 1304

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1304

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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