

2021 South Dakota Legislature

Senate Bill 3**AMENDMENT 3K FOR THE HOUSE HEALTH AND HUMAN SERVICES BILL**

1 **An Act to enforce directives regarding contagious disease control.**

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

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

4 ~~34-22-18.1. [Effective until July 1, 2021] Action for injunction to enforce department~~
5 ~~directive or order--Confidential information.~~

6 ~~If the department has determined by medical or epidemiological information that a~~
7 ~~person is infected with, or is reasonably suspected of having active tuberculosis, severe~~
8 ~~acute respiratory syndrome coronavirus 2, which causes the disease known as COVID-~~
9 ~~19, any middle east respiratory syndrome (MERS), severe acute respiratory syndrome~~
10 ~~(SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition which is the~~
11 ~~subject of a declared public health emergency pursuant to § 34-22-42, and that person~~
12 ~~presents a health threat to others, the department may commence an action in circuit~~
13 ~~court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to enforce~~
14 ~~any applicable department directive or order. The court shall treat individually~~
15 ~~identifying information including the gender, age, ethnicity, race, national origin,~~
16 ~~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 **34-22-18.1. [Effective July 1, 2021] Action for injunction to enforce**
20 **department directive or order--Confidential information.**

21 If the department has determined by medical or epidemiological information that
22 a person is confirmed to be infected with, ~~or is reasonably suspected of having an~~ active
23 tuberculosis, ~~severe acute respiratory syndrome coronavirus 2, which causes the disease~~
24 ~~known as COVID-19,~~ any middle east respiratory syndrome (MERS), severe acute
25 respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease or
26 condition which is the subject of a declared public health emergency pursuant to § 34-22-

1 42, or for the period beginning July 1, 2021, and ending June 30, 2022, severe acute
2 respiratory syndrome coronavirus 2, which causes the disease known as COVID-19, and
3 if that person presents a health threat to others, the department may commence an action
4 in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to
5 enforce any applicable department directive or order. The court shall treat individually
6 identifying information including the gender, age, ethnicity, race, national origin, location,
7 or identity of any person subject to the proceedings as strictly confidential information. If
8 necessary, identifying numbers or initials may be used to protect the individually
9 identifying information of the person.

10 Nothing in this section authorizes the department to compel a person to be
11 vaccinated.