

2020 South Dakota Legislature

House Bill 1219**AMENDMENT 1219B FOR THE INTRODUCED BILL**

1 **An Act to require non-opioid alternatives to pain management.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **34-20A-114. Pain management—Non-opioid alternatives—Exceptions.**

5 Before a health care provider, acting within the scope of the provider's practice,
6 may prescribe an opioid for the purpose of mitigating or alleviating a patient's pain, the
7 provider shall recommend a non-opioid medication or an alternative treatment for pain
8 management. For purposes of this section alternative treatments include acupuncture,
9 chiropractic services, massage therapy, occupational therapy, physical therapy, and
10 participation in a pain management program.

11 The restriction set forth in this section does not apply:

12 (1) To a provider who, using sound medical judgment, determines and documents in
13 the patient's medical file that:

14 (a) Following or necessitated by a major physical trauma, illness, a surgical or
15 other medical procedure, or a dental procedure, the patient's risk of adverse
16 effects from pain outweighs the risk of opioid usage; or

17 (b) The patient would receive the greatest benefit from a course of treatment
18 that includes an opioid prescription, while simultaneously pursuing
19 alternative treatments for pain management; or

20 (2) In the case of a patient who is receiving:

21 (a) Treatment for cancer;

22 (b) Palliative care;

23 (c) Hospice care; or

24 (d) Treatment for an opioid use disorder.