



2025 South Dakota Legislature

House Bill 1061

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

Introduced by: **Representative Hughes**

1 **An Act to prohibit a health care provider from restricting or denying a parent or**
 2 **guardian's access to certain medical records and other health information of**
 3 **a minor.**

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

5 **Section 1. That a NEW SECTION be added to chapter 36-2:**

6 A health care provider may not restrict or deny, to a parent or guardian who has
 7 authority to make health care decisions on behalf of a minor, access to the minor's:

8 (1) Electronic health information;

9 (2) Medical record; or

10 (3) Patient portal.

11 Any agreement between a health care provider and a parent or guardian that
 12 restricts or denies access to the parent or guardian in violation of this section is void and
 13 unenforceable.

14 This section does not apply to a minor who has lawfully obtained a health care
 15 service without the consent or notification of a parent or guardian, or as provided in 45
 16 C.F.R. § 164.502(g)(5) (January 1, 2025).