**44:20:03:04.  Application of public health measures to persons.** The department may instruct a case or carrier of a reportable disease or condition regarding public health measures for preventing the spread of the disease or condition and of the necessity for treatment until cured, non-infectious, or free from the infection. If the department knows or has reason to believe, because of medical or epidemiological information, that a person has a reportable disease or condition and is a health threat to others, it may issue a public health notice directing the person to take one or more of the following actions:

 (1)  To be examined or tested to determine whether the person has the disease in an infectious stage;

 (2)  To report to a physician, health care worker, or authorized department representative for counseling on the disease and for information on how to avoid infecting others;

 (3)  To receive treatment until cured or non-infectious and to follow measures for preventing reinfection;

 (4)  To cease from specified conduct which endangers the health of others; or

 (5)  To cooperate with the department in implementation of recommended public health measures.

 The department may use restrictive public health measures only if other measures to protect the public health have failed, including efforts to obtain the voluntary cooperation of the person who may be the subject of such measures. The department shall apply public health measures as necessary to achieve the desired purpose of protecting the public health, using the least intrusive measures first.

 **Source:** 20 SDR 69, effective November 17, 1993; 28 SDR 92, effective December 30, 2001; 38 SDR 8, effective August 1, 2011.

 **General Authority:** SDCL 34-1-17, 34-22-9, 34-23-13.

 **Law Implemented:** SDCL 34-22-9, 34-22-24, 34-23-13.