

AN ACT

ENTITLED, An Act to revise certain provisions regarding contagious disease control quarantine measures.

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:

Terms used in this chapter mean:

- (1) "Carrier," a person who harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source or reservoir of infection for other persons;
- (2) "Communicable disease," includes:
 - (a) An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, fomite, or reservoir to a susceptible host, either directly or indirectly, through an intermediate plant or animal host, vector, or inanimate environment and which is determined to be a reportable disease pursuant to § 34-22-12 and any rules promulgated pursuant to that section; and
 - (b) Any disease or condition which is the subject of a declared public health emergency pursuant to § 34-22-42;
- (3) "Department," the Department of Health.

Section 2. That § 34-22-1 be amended to read as follows:

34-22-1. If necessary the Department of Health may establish and enforce a system of quarantine against the introduction into the state of any communicable disease by a common carrier doing business across the state's borders. Any member, officer, or agent of the department may board any conveyance used by a common carrier to inspect the conveyance. If the conveyance is found infected,

contaminated, or otherwise containing any disease-causing agent, the department may detain the conveyance, and isolate and quarantine any or all persons found in the conveyance, including luggage, until all danger of disease from the conveyance is removed.

Section 3. That § 34-22-2 be repealed.

Section 4. That § 34-22-5 be amended to read as follows:

34-22-5. Each person who intentionally exposes himself or herself or another person infected with any communicable disease in any public place, except in the person's necessary removal from a public place in a manner not dangerous to the public health, is guilty of a Class 2 misdemeanor.

Section 5. That § 34-22-7 be repealed.

Section 6. That § 34-22-8 be repealed.

Section 7. That § 34-22-9 be amended to read as follows:

34-22-9. The department shall establish and direct the operations of a state-wide system for communicable disease prevention, control, and treatment. The department may promulgate rules, pursuant to chapter 1-26, to:

- (1) Conduct communicable disease surveillance which includes detection, assessment, and analysis;
- (2) Prescribe criteria for communicable disease case definitions;
- (3) Prescribe procedures for communicable disease case and contact notification, referral, and management;
- (4) Prescribe methods and procedures for the prevention and control of communicable disease;
- (5) Prescribe methods and procedures for the control of communicable disease patients and carriers, including the monitoring, quarantine, and isolation of any patient or carrier;
- (6) Prescribe medical and posttreatment supervision measures for communicable disease

patients and carriers;

- (7) Prescribe methods and procedures for the prevention and control of occupationally-related communicable diseases; and
- (8) Prescribe procedures for infection prevention measures for communicable disease control and prevention.

Section 8. That § 34-22-11 be amended to read as follows:

34-22-11. The department may provide facilities and personnel which will encourage participation in prescribed screening of the general population and high-risk segments of the general population through testing for communicable diseases.

Section 9. That § 34-22-11.2 be amended to read as follows:

34-22-11.2. The term, specific health services, as it relates to § 34-22-11.1 shall include the following:

- (1) Application of intradermal skin tests for the purpose of determining the presence of tuberculosis;
- (2) Venipuncture for the purpose of drawing blood for laboratory examinations to determine the presence of current or past disease infection;
- (3) Administration of vaccines or other prophylactic agents, either orally or parenterally, for the purpose of communicable disease control; and
- (4) The gathering of specimens through nonsurgical procedures for the purpose of laboratory examination to determine the presence of bacteria, viruses, or other agents of communicable disease.

Section 10. That § 34-22-13 be amended to read as follows:

34-22-13. The department has the authority to consult with physicians, hospitals, institutions, and individuals engaged in diagnosing and treating any person diagnosed with or reasonably suspected

of being exposed to a communicable disease.

Section 11. That § 34-22-14 be amended to read as follows:

34-22-14. The department has the authority to provide for the enforcement of regulations for the control and eradication of communicable diseases through isolation, prevention, and treatment.

Section 12. That § 34-22-15 be repealed.

Section 13. That § 34-22-16 be repealed.

Section 14. That § 34-22-17 be amended to read as follows:

34-22-17. The diagnosis, control, and treatment of suspected or confirmed cases of communicable diseases in the state shall be under the supervision and surveillance of the department. The program of diagnosis, control, and treatment of communicable diseases, established in this chapter and rules promulgated pursuant to this chapter shall be applied statewide.

Section 15. That § 34-22-18 be amended to read as follows:

34-22-18. Any person in the state reasonably suspected of having active tuberculosis, middle east respiratory syndrome (MERS), severe acute respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition which is the subject of a declared public health emergency pursuant to § 34-22-42, shall accept necessary diagnosis or treatment, or both. Any person who intentionally refuses to accept the diagnosis or treatment, or both, or who fails to follow the reasonable and necessary directives of the department issued for the protection of other persons, is guilty of a Class 1 misdemeanor.

Section 16. That § 34-22-19 be amended to read as follows:

34-22-19. No provision of this chapter may be deemed to bar freedom of any person to seek diagnosis or treatment, or both, by a physician or in an institution of the person's choice, at the person's own expense, or under entitlement by the federal government, medical or hospital insurance contracts, workers' compensation, retirement plans, or the medical care and disability provisions of

programs under the supervision of the Department of Social Services. However, all cases of suspected or confirmed tuberculosis or other communicable diseases in the state shall be under the surveillance of the department.

Section 17. That § 34-22-20 be repealed.

Section 18. That § 34-22-21 be repealed.

Section 19. That § 34-22-22 be repealed.

Section 20. That § 34-22-24 be repealed.

Section 21. That § 34-22-25 be amended to read as follows:

34-22-25. Any health officer or physician who has information that any person, including a patient, is by the person's conduct or mode of living, endangering the health or well-being of the person's family or other persons because of communicable diseases, shall report the information to the department. The report shall state the name and address of the person and shall include a summary of the pertinent information available and known by the health officer or physician.

Section 22. That § 34-22-26 be repealed.

Section 23. That § 34-22-27 be repealed.

Section 24. That § 34-22-28 be repealed.

Section 25. That § 34-22-29 be repealed.

Section 26. That § 34-22-30 be repealed.

Section 27. That § 34-22-34 be repealed.

Section 28. That § 34-22-35 be repealed.

Section 29. That § 34-22-36 be repealed.

Section 30. That § 34-22-37 be repealed.

Section 31. That § 34-22-38 be repealed.

Section 32. That § 34-22-40 be repealed.

Section 33. That chapter 34-22 be amended by adding thereto a NEW SECTION to read as follows:

If the department has determined by medical or epidemiological information that a person is infected with, or is reasonably suspected of having active tuberculosis, any middle east respiratory syndrome (MERS), severe acute respiratory syndrome (SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition which is the subject of a declared public health emergency pursuant to § 34-22-42, and that person presents a health threat to others, the department may commence an action in circuit court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to enforce any applicable department directive or order. The court shall treat individually identifying information including the gender, age, ethnicity, race, national origin, location, or identity of any person subject to the proceedings as strictly confidential information. If necessary, identifying numbers or initials may be used to protect the individually identifying information of the person.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1058

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1058

File No. _____

Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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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