

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0103

HOUSE ENGROSSED NO. **HB 1059** - 01/28/2015

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to allow authorized entities to access immunization
2 information in certain circumstances.

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

4 Section 1. That § 34-22-12.5 be amended to read as follows:

5 34-22-12.5. A patient's immunization record, ~~even if the immunization was received prior~~
6 ~~to July 1, 1996,~~ may ~~shall~~ be shared among health care providers, health care facilities, federal
7 or state health agencies, child welfare agencies, schools, or family day care facilities, without
8 the consent of the patient or the person acting on the patient's behalf unless the patient's signed
9 refusal to release immunization information is part of the patient's medical record. The provider
10 shall verbally notify the patient, or if the patient is a minor, the patient's parent or guardian of
11 the patient's ability to refuse to permit immunization information to be shared. If the patient is
12 a minor, the refusal to release immunization information may be signed by the patient's parent
13 or guardian on behalf of the minor patient. Any person who receives immunization data
14 pursuant to this section and knowingly or intentionally discloses or fails to protect the
15 confidentiality of the data is guilty of a Class 1 misdemeanor.

