

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

583B0144

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1244** -  
2/5/98

Introduced by: Representatives Duenwald, Apa, Belatti, Broderick, Brooks, Brown (Jarvis), Cerny, Chicoine, Crisp, Diedrich, Fiegen, Fitzgerald, Gabriel, Hassard, Hunt, Jaspers, Kazmerzak, Koetzle, Konold, Koskan, Kredit, Lee, Lucas, Madden, Matthews, McNenny, Monroe, Moore, Pederson (Gordon), Pummel, Putnam, Roe, Schrempp, Smidt, Solum, Van Gerpen, Waltman, Weber, Wetz, and Wick and Senators Lawler, Aker, Albers, Brown (Arnold), Drake, Dunn (Jim), Dunn (Rebecca), Flowers, Frederick, Hainje, Halverson, Hunhoff, Hutmacher, Johnson (William), Kloucek, Lange, Reedy, Rounds, Shoener, Staggers, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of  
2 pharmacy.

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

4 Section 1. That chapter 36-11 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No pharmacist may be required to perform any act in the normal course of the practice of  
7 pharmacy or be required to omit the performance of any act in the normal course of the practice  
8 of pharmacy if that pharmacist objects to such act or omission because of professional duty or  
9 objects to such act or omission on ethical, moral, or religious grounds. If there is no pharmacist  
10 on the premises who will perform the act or omit the performance of the act, the pharmacist shall  
11 contact the prescribing physician with regard to the pharmacist's objection so that the prescribing

1 physician may consider alternatives or other arrangements. No such refusal to act or refusal to  
2 omit acting because of such grounds may be the basis for any claim for damages against the  
3 pharmacist or the pharmacy of the pharmacist or the basis for any disciplinary, recriminatory, or  
4 discriminatory action against the pharmacist.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Health and Human Services. H.J. 159

3 1/30/98 Scheduled for Committee hearing on this date.

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/4/98 Scheduled for Committee hearing on this date.

6 2/4/98 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 379