

AN ACT

ENTITLED, An Act to provide protocols for cardiopulmonary resuscitation directives.

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

Section 1. Terms used in this Act mean:

- (1) "Cardiopulmonary resuscitation," measures to restore cardiac function or to support breathing in the event of respiratory or cardiac arrest or malfunction. Cardiopulmonary resuscitation includes chest compression, delivering electric shock to the chest, or manual or mechanical methods to assist breathing;
- (2) "Cardiopulmonary resuscitation directive," an advance medical directive pertaining to the administration of cardiopulmonary resuscitation, including any directive pursuant to chapters 34-12C, 34-12D, or 59-7;
- (3) "Emergency medical service personnel," any emergency medical technician at any level as defined in § 36-4B-1.

Section 2. Any adult who has the decisional capacity to provide informed consent to, or refusal of, medical treatment, or any other person who is, pursuant to § 34-12C-2 or 59-7-2.5 or other laws of this state, authorized to make medical treatment decisions on behalf of a person who lacks such decisional capacity, may execute a cardiopulmonary resuscitation directive.

Section 3. The Department of Public Safety shall promulgate rules, pursuant to chapter 1-26, for the implementation of cardiopulmonary resuscitation directives by emergency medical personnel. The rules promulgated shall include protocols for uniform methods for rapid identification of persons who have executed a cardiopulmonary resuscitation directive, controlled distribution of the methods of identifying persons who have executed a cardiopulmonary resuscitation directive, and any other pertinent information. Nothing in this section may be construed to restrict any other manner in which a person may make a cardiopulmonary resuscitation directive.

Section 4. Any emergency medical service personnel, health care provider, and health care facility shall comply with a person's cardiopulmonary resuscitation directive that is apparent and immediately available. Any emergency medical service personnel, health care provider, health care facility, or any other person who, in good faith, complies with a cardiopulmonary resuscitation directive which is perceived to be valid is not subject to civil or criminal liability or to discipline for unprofessional conduct.

Section 5. Compliance by any emergency medical service personnel, health care provider, or health care facility with a cardiopulmonary resuscitation directive does not affect the criminal prosecution of any person otherwise charged with the commission of a criminal act.

Section 6. A cardiopulmonary resuscitation directive for any person who is admitted to a health care facility shall be implemented as a physician's order concerning resuscitation as directed in the cardiopulmonary resuscitation directive, pending any further order by a physician.

Section 7. Neither a cardiopulmonary resuscitation directive nor the failure of a person to execute one affects, impairs, or modifies any contract of life or health insurance or annuity or constitutes the basis for any delay in issuing or refusing to issue an annuity or policy of life or health insurance or any increase of a premium therefor.

Section 8. A cardiopulmonary resuscitation directive may be revoked at any time by the person who is the subject of the directive or by any other person who is, pursuant to the laws of this state or any other state, authorized to make medical treatment decisions on behalf of the person who is the subject of the directive.

An Act to provide protocols for cardiopulmonary resuscitation directives.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1274

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1274

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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