

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

346J0133

## HOUSE BILL NO. 1274

Introduced by: Representatives Rave, Bartling, Buckingham, Burg, Christensen, Craddock, Dykstra, Frost, Heineman, Hunhoff, Lintz, McCaulley, Michels, Miles, Murschel, Olson (Mel), Sebert, and Van Etten and Senators de Hueck, Duxbury, Knudson, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to provide protocols for cardiopulmonary resuscitation  
2 directives.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Cardiopulmonary resuscitation," measures to restore cardiac function or to support  
6 breathing in the event of respiratory or cardiac arrest or malfunction.  
7 Cardiopulmonary resuscitation includes chest compression, delivering electric shock  
8 to the chest, or manual or mechanical methods to assist breathing;

9 (2) "Cardiopulmonary resuscitation directive," an advance medical directive pertaining  
10 to the administration of cardiopulmonary resuscitation, including any directive  
11 pursuant to chapters 34-12C, 34-12D, or 59-7;

12 (3) "Emergency medical service personnel," any emergency medical technician at any  
13 level as defined in § 36-4B-1.

14 Section 2. Any adult who has the decisional capacity to provide informed consent to, or



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

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

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

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

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

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

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