



2020 South Dakota Legislature

House Bill 1295

SENATE ENGROSSED

Introduced by: Representative Jamie Smith

- 1 **An Act to revise provisions regarding contagious disease control and enforcement**
2 **and to declare an emergency.**

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

4 **Section 1.** That § 34-22-18.1 be AMENDED:

- 5 **34-22-18.1. Action for injunction to enforce department directive or order--**
6 **Confidential information.**

7 If the department has determined by medical or epidemiological information that
8 a person is infected with, or is reasonably suspected of having active tuberculosis, severe
9 acute respiratory syndrome coronavirus 2, which causes the disease known as COVID-19,
10 any middle east respiratory syndrome (MERS), severe acute respiratory syndrome
11 (SARS), smallpox, or viral hemorrhagic fevers, or any disease or condition which is the
12 subject of a declared public health emergency pursuant to § 34-22-42, and that person
13 presents a health threat to others, the department may commence an action in circuit
14 court, pursuant to chapters 15-6 and 21-8, for injunctive relief as necessary to enforce
15 any applicable department directive or order. The court shall treat individually identifying
16 information including the gender, age, ethnicity, race, national origin, location, or identity
17 of any person subject to the proceedings as strictly confidential information. If necessary,
18 identifying numbers or initials may be used to protect the individually identifying
19 information of the person.

20 **Section 2.** This Act is repealed on July 1, 2021.

21 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
22 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
23 and effect from and after its passage and approval.