

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0195

SENATE BILL NO. 45

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

1 FOR AN ACT ENTITLED, An Act to remove an outdated reference from the definition of an
2 accredited prevention or treatment facility.

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

4 Section 1. That § 34-20A-2 be amended to read:

5 34-20A-2. Terms as used in this chapter mean:

6 (1) "Accredited prevention or treatment facility," a private or public agency meeting the
7 standards prescribed in § 34-20A-27 ~~and listed under § 34-20A-47~~, or a private or
8 public agency or facility surveyed and accredited by the Joint Commission; an Indian
9 Health Service's quality assurance review under the Indian Health Service Manual,
10 Professional Standards-Alcohol/Substance Abuse; or the Commission on
11 Accreditation of Rehabilitation Facilities; or the Council on Accreditation; under the
12 drug and alcohol treatment standards incorporated and adopted by the division in
13 rules promulgated pursuant to chapter 1-26, if proof of the accreditation, with
14 accompanying recommendations, progress reports and related correspondence are
15 submitted to the Division of Behavioral Health in a timely manner;



- 1 (2) "Addiction counselor," a person licensed or certified as an addiction counselor by the
2 South Dakota Board of Addiction and Prevention Professionals;
- 3 (3) "Alcoholic," a person who habitually lacks self-control as to the use of alcoholic
4 beverages, or uses alcoholic beverages to the extent that the person's health is
5 substantially impaired or endangered or the person's social or economic function is
6 substantially disrupted;
- 7 (4) "Department," the Department of Social Services;
- 8 (5) "Designated prevention or treatment facility," an accredited agency operating under
9 the direction and control of the state or providing services under this chapter through
10 a contract with the division or treatment facilities operated by the federal government
11 which may be designated by the division without accreditation by the state;
- 12 (6) "Division," the Division of Behavioral Health within the department;
- 13 (7) "Drug abuser," a person who habitually lacks self-control as to the use of controlled
14 drugs or substances as defined in § 34-20B-3 to the extent that the person's health is
15 substantially impaired or endangered or that the person's social or economic function
16 is substantially disrupted;
- 17 (8) "Incapacitated by alcohol or other drugs," that a person, as a result of the use of
18 alcohol or other drugs, is unconscious or the person's judgment is otherwise so
19 impaired that the person is incapable of realizing and making a rational decision with
20 respect to the person's need for treatment;
- 21 (9) "Incompetent person," a person who has been adjudged incompetent by the circuit
22 court;
- 23 (10) "Intoxicated person," a person who demonstrates diminished mental or physical
24 capacity as a result of the use of alcohol or other drugs;

- 1 (11) "Prevention," purposeful activities designed to promote personal growth of a person
2 and strengthen the aspects of the community environment which are supportive to the
3 person in order to preclude, prevent, or impede the development of alcohol or other
4 drug misuse and abuse;
- 5 (12) "Secretary," the secretary of the Department of Social Services;
- 6 (13) "Treatment," the broad range of emergency, outpatient, intermediate, and inpatient
7 services and care, including diagnostic evaluation, which may be extended to a
8 person experiencing problems as a result of the use of alcohol or other drugs.