

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

819Y0016

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to require prescribers to access the Prescription Drug
2 Monitoring Program database prior to issuing a prescription to certain controlled substances.

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

4 Section 1. That § 34-20E-11 be amended to read:

5 34-20E-11. ~~Nothing in this chapter requires a prescriber or dispenser to obtain information~~
6 ~~about a patient from the central repository prior to prescribing or dispensing a controlled~~
7 ~~substance. A prescriber, dispenser, or other health care provider may not be held liable in~~
8 ~~damages to any person in any civil action on the basis that the prescriber, dispenser, or other~~
9 ~~health care provider did or did not seek to obtain information from the central repository. Unless~~
10 there is shown a lack of good faith, the board, a prescriber, dispenser, or any other person in
11 proper possession of information provided under this chapter is not subject to any civil liability
12 by reason of:

- 13 (1) The furnishing of information under the conditions provided in this chapter;
- 14 (2) The receipt and use of, or reliance on, such the information;
- 15 (3) The fact that any such of the information was not furnished; or
- 16 (4) The fact that such the information was factually incorrect or was released by the



1 board to the wrong person or entity.

2 Section 2. That chapter 34-20E be amended by adding a NEW SECTION to read:

3 A prescriber shall review a patient's prescription drug record available through the program
4 before the prescriber issues a prescription order for any controlled substance referenced in this
5 chapter.

6 Section 3. That chapter 34-20E be amended by adding a NEW SECTION to read:

7 The requirement under section 2 of this Act does not apply if:

8 (1) The patient is receiving hospice care;

9 (2) The prescription is for a number of doses that is intended to last the patient three days
10 or less and is not subject to refill;

11 (3) The monitored prescription is lawfully administered to the patient; or

12 (4) Due to emergency, the prescriber is unable to review the patient's records prior to
13 issuing the prescription.

14 Section 4. This act is effective on July 1, 2018.