

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0195

SENATE BILL NO. 14

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 revise certain provisions regarding alcohol or drug
2 commitments.

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

4 Section 1. That § 34-20A-72 be amended to read as follows:

5 34-20A-72. A petition filed under § 34-20A-70 shall be accompanied by a certificate of a
6 licensed physician ~~and~~ or a certified chemical dependency counselor ~~both~~ either of whom ~~have~~
7 has examined the person within two days before submission of the petition, unless the person
8 whose commitment is sought has refused to submit to a medical examination or counselor
9 assessment in which case the fact of refusal shall be alleged in the petition. The certificate shall
10 set forth the physician's ~~and~~ or the counselor's findings in support of the allegations of the
11 petition. A physician or chemical dependency counselor employed by the admitting facility is
12 not eligible to provide certification.

13 Section 2. That § 34-20A-76 be amended to read as follows:

14 34-20A-76. If the person has refused to be examined by a licensed physician or a certified
15 chemical dependency counselor, ~~he~~ the person shall be given an opportunity to be examined by



1 a court-appointed licensed physician or certified chemical dependency counselor. If ~~he~~ the
2 person refuses and there is sufficient evidence to believe that the allegations of the petition are
3 true, or if the court believes that more evidence is necessary, the court may order a temporary
4 commitment and transportation by a law enforcement officer to an approved treatment facility
5 for a period of not more than five days for purposes of a diagnostic examination.