

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0320

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1050 - 01/16/2001

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding genetic testing and
2 analysis in paternity cases.

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

4 Section 1. That § 25-8-7.1 be amended to read as follows:

5 25-8-7.1. In any action or proceeding in which the parentage of a child is at issue, upon
6 motion of the court, ~~or upon motion of the department,~~ or any of the interested parties for good
7 ~~cause shown,~~ the court shall, for good cause shown, order the mother, the child, ~~and~~ or any
8 alleged father to submit to an examination of blood, tissue, or other bodily substances for the
9 purpose of testing any genetic systems that are generally accepted within the scientific
10 community for the conclusive determination of paternity probability. The results of the tests,
11 together with the opinions and conclusions of the testing laboratory, shall be filed with the court.
12 Upon written agreement of the mother and any presumed or alleged father, tests may be
13 conducted prior to filing of an action. If the action is then filed, the test results shall be filed with
14 the court and admitted into evidence as provided in § 25-8-7.3.

1 Section 2. That § 25-8-7.2 be amended to read as follows:

2 25-8-7.2. Only a physician, laboratory technician, registered nurse, physician's assistant,
3 phlebotomist, expanded role licensed practical nurse, medical technician, or medical technologist,
4 acting under court order, or at the request of both the mother and any alleged father of the child,
5 may withdraw blood, ~~tissue~~ for the purpose of testing genetic systems to determine parentage.

6 Tissue, saliva, or other bodily substances may be withdrawn, by a qualified person, using a
7 noninvasive procedure, for the purpose of testing genetic systems to determine parentage. ~~Such~~

8 ~~persons~~ No person, and any no entity, hospital, or laboratory employing such ~~persons, are not~~

9 person, is liable for damages to the party from whom the blood, tissue, or other bodily substance

10 is withdrawn, if the withdrawal is administered with usual and ordinary care.