

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0216

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1019** - 01/24/2003

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

1 FOR AN ACT ENTITLED, An Act to permit disclosure of certain information related to
2 intentional exposure to human immunodeficiency virus.

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

4 Section 1. That § 34-22-12.1 be amended to read as follows:

5 34-22-12.1. ~~The reports~~ Any report required to be submitted pursuant to § 34-22-12 ~~shall~~
6 ~~be is~~ strictly confidential medical information. ~~Such reports may not~~ No report may be released,
7 shared with any agency or institution, or made public, upon subpoena, search warrant, discovery
8 proceedings, or otherwise ~~and are not~~. No report is admissible as evidence in any action of any
9 kind in any court or before any tribunal, board, agency, or person, ~~except that~~. However, the
10 Department of Health may release ~~of~~ medical or epidemiological information ~~may be made or~~
11 ~~authorized by the Department of Health~~ under any of the following circumstances:

- 12 (1) For statistical purposes in such a manner that no person can be identified;
- 13 (2) With the written consent of the person identified in the information released;
- 14 (3) To the extent necessary to enforce the provisions of this chapter and rules
15 promulgated ~~thereunder~~ pursuant to this chapter concerning the prevention,



1 treatment, control, and investigation of communicable diseases; ~~and~~

2 (4) To the extent necessary to protect the health or life of a named person;

3 (5) To the extent necessary to comply with a proper judicial order requiring release of
4 human immunodeficiency virus test results and related information to a prosecutor for
5 an investigation of a violation of § 22-18-31; and

6 (6) To the attorney general or an appropriate state's attorney if the secretary of the
7 Department of Health has reasonable cause to suspect that a person violated § 22-18-
8 31.