

**Bill Watch**

**HOUSE BILLS**

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**SENATE BILLS**

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*Bills that are ~~Struck Through~~ have been killed in some manner, and are not included in this report.*

*\* Signed by Governor*

**Highlights**

- SB 37 passed the Senate (34-0) on January 24.
- HB 1053 passed House (66-0) on January 24.
- Filed to date: 272 House bills and 188 Senate bills.

**HOUSE BILLS**

**HB 1034 An Act to revise certain provisions regarding unemployment insurance contribution rates.**

**Sponsor:** The Committee on Commerce and Energy at the request of the Department of Labor and Regulation

**Summary:** This bill is a clean-up of the statutes covering unemployment insurance contribution rates. It extends current rates through December 31, 2019.

**NAIFA Position:** Monitor

**Status:** Passed House Commerce and Energy Committee (13-0) on January 16; passed House of Representatives (66-0) on January 22; referred to Senate Commerce and Energy Committee.

**HB 1053 An Act to revise the value of gifts permitted for certain insurance advertising or promotional programs.**

**Sponsor:** Representative Willadsen and Senator Novstrup

**Summary:** This bill increases the dollar amount of permitted gifts from insurers and insurance producers to insureds from \$25.00 to \$100.00

**NAIFA Position:** Support

**Status:** Passed House Commerce and Energy Committee (13-0 consent) on January 23; passed House of Representatives (66-0) on January 24; referred to Senate Commerce and Energy.

**HB 1085 An Act to revise certain programs to advance health care in South Dakota.**

**Sponsors:** Representatives Beal and Senator Bolin

**Summary:** This is one of several placeholder bills that has been filed. It provides that programs be revised to advance health care in South Dakota.

**NAIFA Position:** Monitor carefully

**Status:** Referred to House Health and Human Services Committee.

**HB 1088 An Act to prohibit the use of certain electronic devising while driving.**

**Sponsors:** Representative Barthel and Senator Soholt

**Summary:** This bill prohibits a person from operating a vehicle while using a mobile electronic device. Mobile electronic device includes a cell phone. There are several exceptions to the ban, including law-enforcement, 911 calls, GPS, and hands-free phones.

**NAIFA Position:** Monitor

**Status:** Referred to House Transportation Committee.

**HB 1092 An Act to revise certain provisions regarding campaign finance disclosure reports.**

**Sponsors:** Representative Dennert and Senator Schoenbeck

**Summary:** As amended, this bill requires all candidates running for a legislative or county office with a recognized political party to file a pre-primary report if there is any primary race for that particular office.

**NAIFA Position:** Monitor

**Status:** Passed House State Affairs Committee (12-1) as amended on January 30.

**HB 1099 An Act to provide for the designation of a caregiver to receive information regarding residents of treatment facilities.**

**Sponsors:** Representative Reed and Senator Smith (VJ)

**Summary:** This bill authorizes a resident of a treatment facility to designate a caregiver to receive notice of the resident's treatment and aftercare plan. The treatment facility must document the caregiver's information in the resident's record. The treatment facility must also give reasonable notice to the caregiver of the resident's discharge or transfer to a different treatment facility prior to the resident's discharge or transfer.

**NAIFA Position:** Monitor

**Status:** Referred to House Health and Human Services Committee.

**HB 1124 An Act to require health care facilities that perform mammography to inform mammography patients on breast density.**

**Sponsors:** (numerous sponsors) Representative Howard and Senator Soholt

**Summary:** This bill requires any health care facility that performs mammography services to include information on breast density in the mammogram report. If the interpreting physician determines that a patient has extremely dense breasts, the mammogram report must include a notice so advising the patient.

**NAIFA Position:** Monitor

**Status:** Passed House Health and Human Services Committee (10-1) on January 31.

**HB 1137 An Act to revise certain provisions regarding pharmacy benefit managers.**

**Sponsor:** Representative Gosch Senator Steinhauer

**Summary:** No pharmacy benefit manager can contractually require a health plan or a pharmacist who is a participating provider in a health plan to collect cost sharing in an amount greater than the amount the person without coverage under a health benefit plan would pay for the drug. Section 2 of the bill prohibits an insurer or pharmacy benefit manager to retroactively adjust a pharmacy claim unless the adjustment is the result of a pharmacy audit or a technical billing error. I am hearing from companies that Section 2 of the bill is objectionable.

**NAIFA Position:** Oppose?

**Status:** Scheduled in House Health and Human Services Committee on February 6.

**HB 1143 An Act to revise provisions regarding contribution limits to political action committees.**

**Sponsors:** Representative Peterson (Kent) and Senator Langer

**Summary:** This bill applies the single contribution limit of \$10,000/year to all political action committees controlled by the same person or entity. Under current law political action committees have no campaign contribution limits

**NAIFA Position:** Monitor

**Status:** Referred to House State Affairs Committee.

**HB 1170 An Act to revise certain healthcare programs and make an appropriation therefor.**

**Sponsors:** Representative Karr

**Summary:** This is a placeholder bill. It appropriates \$1.00 from the general fund to revise healthcare plans. The state shall approve vouchers and the state auditor shall draw warrants to pay for expenditures. Any appropriated amounts not expended or obligated by June 30, 2019 shall revert to the general fund.

**NAIFA Position:** Monitor

**Status:** Referred to House Health and Human Services Committee.

**HB 1205 An Act to provide parents with certain rights regarding health care treatment of a minor child.**

**Sponsors:** Representative Pischke and Senator Jensen (Phil)

**Summary:** This bill would allow a parent to refuse consent to health care treatment of a minor child if the parent believes the treatment would promote the child's belief that the child's sex or gender identity was different than the child's sex presented at birth.

**NAIFA Position:** Monitor

**Status:** Referred to House Health and Human Services Committee.

**HB 1219 An Act to revise provisions regarding insurance plans.**

**Sponsors:** Representative Schoenfish and Senator DiSanto

**Summary:** This bill is a placeholder bill regarding insurance plans offered in the state.

**NAIFA Position:** Monitor

**Status:** Referred to House Commerce and Energy Committee.

**HB 1222 An Act to revise provisions regarding insurance plans.**

**Sponsors:** Representative Schoenfish and Senator DiSanto

**Summary:** This bill is a placeholder bill regarding insurance plans offered in the state.

**NAIFA Position:** Monitor

**Status:** Referred to House Taxation Committee.

**HB 1236 An Act to revise certain provisions regarding health insurance coverage.**

**Sponsors:** Representative Cwach and Senator Heinert

**Summary:** This bill would expand the mandate for coverage of ABA therapy to individual and small group health insurance plans, effective January 1, 2020..

**NAIFA Position:** Oppose?

**Status:** Referred to House State Affairs Committee.

**HB 1271 An Act to remove exceptions to certain health insurance policies.**

**Sponsors:** Representative Peterson (Sue) and Senator Greenfield (Brock)

**Summary:** This bill is almost identical to HB 1236. It would extend the mandate for coverage of ABA therapy for autistic children to individual and small group health insurance plans. There is not provision for the effective date.

**NAIFA Position:** Oppose

**Status:** Referred to House Health and Human Services Committee.

**SENATE BILLS**

**SB 31 An Act to revise certain provisions regarding criminal background checks for assistant behavior analysts and paraprofessionals.**

**Sponsor:** The Committee on Health and Human Services at the request of the Department of Social Services

**Summary:** The bill removes the requirement that assistant behavior analysts and paraprofessionals submit to a criminal background check by the FBI. The DCI background check requirement remains. The reason for the bill is that it is difficult for behavioral analysts to get FBI checks on their assistants or paraprofessionals.

**NAIFA Position:** Monitor

**Status:** Passed Senate Health and Human Services (7-0 consent) on January 16; passed Senate (34-0) on January 17; passed House Judiciary Committee (8-5) on January 28; passed House of Representatives (64-6) on January 30.

**SB 36 An Act to revise the membership of the State Workers' Compensation Advisory Council.**

**Sponsor:** The Committee on State Affairs at the request of the Department of Labor and Regulation

**Summary:** The bill adds a ninth member to the State Workers' Compensation Advisory Council. The ninth member, who is appointed by the Governor, shall serve as chair.

**NAIFA Position:** Monitor

**Status:** Passed Senate Commerce and Energy Committee (6-1) on January 17; passed Senate (34-0) on January 22; scheduled in House Commerce and Energy on February 6.

**SB 37 An Act to revise certain provisions regarding association health plans.**

**Sponsor:** Committee on Commerce and Energy at the request of the Department of Labor and Regulation

**Summary:** This is the Division's association health plan bill. It was amended in committee, so the Big I moved to the "proponent" position. We testified in favor of the bill, as did everyone. There were no opponents.

**NAIFA Position:** Support.

**Status:** Passed Senate Commerce and Energy Committee as amended (6-0) on January 17; passed Senate (34-0) on January 24; scheduled to House Commerce and Energy Committee on February 6.

**SB 70 An act to revise provisions regarding hospital liens.**

**Sponsors:** Senator Nelson and Representative Johns.

**Summary:** This bill requires a hospital to submit a bill for payment of reasonable and necessary charges for treatment of an injured person to the person's health insurer prior to creating a lien. If a lien is created and a health insurer is subsequently identified, the hospital shall submit the bill to the carrier prior to pursuing the lien.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Health and Human Services Committee.

**SB 78 An act to exempt certain medical providers from licensure.**

**Sponsors:** Senator Curd and Representative Hansen.

**Summary:** This bill adds to the current list of exemptions of physicians licensed in another state from licensure in South Dakota a physician who provides medical care to an individual athlete or athletic team.

**NAIFA Position:** Monitor

**Status:** Passed Senate Health and Human Services Committee (7-0) (consent) on January 28; Passed Senate 31-0) on January 29.

**SB 89 An act to enhance health care in South Dakota.**

**Sponsors:** Senator Bolin and Representative Beal

**Summary:** This is a placeholder bill. It provides that the Legislature shall pursue opportunities to enhance health care in the state.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Health and Human Services Committee.

**SB 120 An Act to modify the time period allowable for certain covenants not to compete.**

**Sponsors:** Senator Greenfield and Representative Peterson (Sue)

**Summary:** This bill reduces the maximum amount of time for a non-compete covenant from two years to one year, including insurance producers.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Commerce and Energy Committee.

**SB 123 An Act to provide for the adoption of privacy protection policies.**

**Sponsors:** Senator Russell and Representative Pischke

**Summary:** This bill requires nonprofit corporations that provide services that require a person's social security number to adopt a privacy protection policy setting fourth the manner in which the corporation will protect that information. The Bureau of Information and Telecommunications, in concert with the attorney general, shall develop and post sample policies.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Commerce and Energy Committee.

**SB 131 An Act to accommodate legislation on Medicaid provider reimbursements.**

**Sponsors:** Senators Wiik and Cronin

**Summary:** This placeholder bill provides a vehicle for legislation affecting Medicaid providers reimbursements.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Appropriations Committee.

**SB 134 An Act to accommodate legislation on Medicaid.**

**Sponsors:** Senators Wiik and Cronin

**Summary:** This placeholder bill provides a vehicle for legislation affecting Medicaid providers' reimbursements.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Appropriations Committee.

**SB 136 An Act to provide for the utilization of telehealth by a health care professional.**

**Sponsors:** Senator Curd and Representative Peterson (Kent)

**Summary:** This bill sets standards/parameters for providers that provide services via telehealth.

**NAIFA Position:** Monitor

**Status:** Passed Senate Health and Human Services Committee (7-0 consent) on January 30.

**SB 137 An Act to provide for the payment of claims for covered services provided by a health care professional via telehealth.**

**Sponsors:** Senator Curd and Representative Peterson (Kent)

**Summary:** This is the bill we worked on over the past few months with the South Dakota State Medical Association. Health insurers cannot exclude coverage solely because a service is provided by telehealth. The SDSMA has accepted most of our recommendations on the language of this bill. Most significantly, the bill does not mandate payment parity, which we worked diligently to exclude from the bill.

**NAIFA Position:** Not opposed, in current form.

**Status:** Passed Senate Health and Human Services Committee (7-0) on January 30.

**SB 173 An Act to make an appropriation to fund certain health care innovation grants and to declare an emergency.**

**Sponsors:** The Committee on Appropriations at the request of the Office of the Governor

**Summary:** This bill would provide an appropriation of \$5,000,000 to Human Services to be used for nursing home innovation grants and \$1,000,000 for primary and prenatal care innovation grants.

**NAIFA Position:** Monitor

**Status:** Referred to Joint Appropriations Committee.

**SB 186 An Act to prohibit the cancellation or nonrenewal of a health insurance policy for a preexisting condition.**

**Sponsors:** Senators Kennedy and Representative Saba

**Summary:** This bill would prohibit a health insurance policy from being canceled or non-renewed solely based on a preexisting condition of the insured person.

**NAIFA Position:** Monitor

**Status:** Referred to Senate Commerce and Energy Committee.

Respectfully submitted,

Darla Pollman Rogers, Lobbyist