Introduction

- The last day for legislators to introduce an unlimited number of bills was Thursday, January 30.
- Current bill count: 217 House bills and 148 Senate bills.
- It was a busy 3rd week; committee action is intensifying.

HOUSE BILLS

HB 1005 An Act to revise certain provisions regarding the use of telehealth technologies.
Sponsor: Representative Orten (Herman) and Senator Soholt at the request of the Leverage Telehealth and Telemedicine Task Force
Summary: The purpose of this bill is to allow telehealth services to be used in emergency commitment proceedings, even if there is no prior patient-provider relationship.
NAIFA Position: Support
Status: Passed House Health and Human Services Committee (11-0) on January 21; passed House of Representatives (67-0) on January 22; passed Senate Health and Human Services Committee (4-0 consent); passed Senate (34-0) on January 28.

HB 1017 An Act to provide for certain insurer corporate governance disclosure requirements.
Sponsor: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation
Summary: This bill is one of two accreditation bills introduced by the Division of Insurance. The bill, which is an NAIC model, sets out corporate governance disclosure requirements for insurers that have complex corporate structure.
NAIFA Position: Support
Status: Passed House Commerce and Energy Committee (13-0 consent) on January 22; passed House of Representatives (67-0) on January 23, scheduled for hearing in Senate Commerce and Energy Committee on February 4.

HB 1018 An Act to revise certain provisions regarding life and health insurance insolvencies.
Sponsor: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation
Summary: This DOI bill updates the Life and Health Guaranty Association. Consistent with NAIC model language, the bill assesses both life and health insurance companies for long term care company
insolvencies. It deviates from the NAIC model by excluding HMOs from the Association.

**NAIFA Position:** Support

**Status:** Passed House Commerce and Energy Committee (13-0) on January 22; passed House of Representatives (66-0) on January 23; scheduled for hearing in Senate Commerce and Energy Committee on February 4.

**HB 1041 An Act to revise provisions authorizing state employees to opt out of the state employee health plan.**

**Sponsor:** The Committee on Commerce and Energy at the request of the Bureau of Human Resources

**Summary:** Currently, the law allows state employees to opt out of the state health plan if the employee is covered by another group health plan. This bill allows opt out if the employee is covered by Medicare. It was amended in committee to add an emergency clause.

**NAIFA Position:** Monitor

**Status:** Passed House Commerce and Energy Committee as amended (13-0) on January 29.

**HB 1057 An Act to prohibit certain acts against children and provide a penalty therefor**

**Introduced by:** Representative Deutch

**Summary:** This bill makes it a misdemeanor for a medical professional to administer drugs or perform surgery to alter a minor’s sex. It is called the Vulnerable Child Protection Act.

**NAIFA Position:** Monitor

**Status:** Passed House State Affairs Committee as amended (8-5) on January 22; passed House of Representatives (46-23) on January 29; referred to Senate Health and Human Services Committee.

**HB 1063 An Act to revise certain provisions regarding the purchase, distribution, and sale of tobacco products to persons under the age of twenty-one**

**Sponsor:** Representative Perry

**Summary:** This bill amends the law to require persons to be 21 years of age to purchase tobacco. Following a painful hearing process, the bill was amended to ease the restrictions on retailers.

**NAIFA Position:** Monitor

**Status:** Passed House Health and Human Services Committee as amended (9-3) on January 28; passed House of Representatives (43-24) on January 30.

**HB 1064 An Act to restrict certain vapor products**

**Sponsor:** Representative Perry and Senator Novstrup

**Summary:** This bill prohibits the selling, offering for sale, giving, transporting, other distributing, or possessing a flavored vapor product and makes doing so a Class 2 misdemeanor; This bill further allows such flavored vapor product found at any place to be declared contraband good and to be seized by the secretary of revenue or law enforcement of the secretary of the state without a warrant.

**NAIFA Position:** Monitor

**Status:** Referred to House Health and Human Services Committee.
HB 1076 An Act to require a designation on a driver license for autism spectrum disorder
Sponsor: Representative Pischke and Senator Phil Jensen
Summary: This bill adds a new law stating that upon the written request of the licensee, the department shall issue a drivers license bearing a graphic or written designation for autism spectrum disorder that may impede communication with a law enforcement officer.
NAIFA Position: Monitor
Status: Deferred to 41st Legislative Day (11-1) in House Health and Human Services on January 30.

HB 1090 An Act to make an appropriation to evaluate the feasibility of the use of telehealth services within the criminal justice system and to declare an emergency
Sponsor: The Committee on Judiciary at the request of the Chief Justice
Summary: This bill appropriates $418,000 of fund expenditure authority from donations and other external sources to the Unified Judicial System for the purposes of evaluating the feasibility of the use of telehealth services within the criminal justice system, including the use of telehealth for mental health assessments and services.
NAIFA Position: Monitor
Status: Referred to House Agricultural and Natural Resources Committee.

HB 1096 An Act to prohibit commercial surrogacy contracts and provide a penalty for facilitating a commercial surrogacy
Sponsor: Representative Hansen and Senator Novstrup
Summary: This bill adds new law to state that any broker who knowingly engaged in, advertises services for, or offers payments of money or other consideration for, profits from, solicits a woman for, otherwise assists or participates in commercial surrogacy is guilty of a Class 1 misdemeanor.
NAIFA Position: Monitor
Status: Passed House Judiciary Committee as amended (11-1) on January 29.

HB 1101 An Act to provide for the reinstatement of a driver license under certain conditions
Sponsor: Representative Kevin Jensen and Senator Wismer
Summary: This bill allows the reinstatement of a driver license that has been suspended due to the individual not having proof of financial responsibility if they 1) Provide proof of having established one of the forms of financial responsibility and 2) Pay any costs, penalties, assessments, surcharges, and fines imposed by reason of the violation.
NAIFA Position: Monitor
Status: Referred to House Judiciary Committee.

HB 1121 An Act to establish immunity from liability for the inherent risk of camping
Sponsor: Representative Goodwin and Senator Phil Jensen
Summary: This bill adds a new law to provide immunity to a private campground, an owner or operator of a private campground, and any employee or officer of a private campground or private campground owner for acts or omissions related to camping at a private campground if a person is injured or killed, or property is damaged as a result of an inherent risk of camping. The bill does provide a few exceptions.
NAIFA Position: Monitor
Status: Assigned to House Judiciary Committee.

HB 1142 An Act to include post-traumatic stress disorder as a compensable injury for purposes of workers’ compensation
Sponsor: Representative Cwach and Senator Nesiba
Summary: This bill does exactly what the title indicates.
NAIFA Position: Monitor
Status: Assigned to House Health and Human Services Committee.

HB 1187 An Act to revise certain health care programs and make an appropriation therefor
Sponsor: Representative Karr
Summary: This bill appropriates one dollar or so much thereof as may be necessary to the state for the purpose of revisiting certain health care programs and to promote efficiency in state government.
NAIFA Position: Monitor
Status: Not yet assigned to committee.

HB 1193 An Act to accommodate legislation enhancing health and human services
Sponsor: Representative Haugaard
Summary: This is a vehicle bill.
NAIFA Position: Monitor
Status: Not yet assigned to committee.

HB 1264 An Act to lower the total amount of tax credits that may be claimed on annual premium tax returns
Introduced by: Representative Willadsen
Summary: This bill decreases the amount of tax credits a company can claim on its annual premium tax return from two million dollars to five hundred thousand dollars, starting in fiscal year 2021.
NAIFA Position: ????
Status: Not yet assigned to committee.

HB 1214 An Act to revise provisions regarding autism spectrum disorder
Sponsors: Representative Pischke
Summary: This bill adds to South Dakota law the definition of autism spectrum disorder contained in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, 2013.
NAIFA Position: ????
Status: Not yet assigned to committee.

SENATE BILLS

SB 8 An Act to revise certain provisions regarding insurance holding companies.
Sponsor: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation
Summary: This is the second of the DOI’s accreditation bills. This NAIC model allows South Dakota’s DOI to participate in the supervisory college that regulates companies that are internationally active.
NAIFA Position: Support
Status: Passed Senate Commerce and Energy Committee (6-0 consent) on January 21; passed Senate (34-0) on January 23; referred to House Commerce and Energy Committee.

SB 11 An Act to revise certain provisions regarding third party insurance plan administrators
Sponsor: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation
Summary: This DOI bill eliminates the requirement that TPAs must have 2 years of performance experience before they can be licensed in South Dakota. The TPA must submit audited financial statements to the DOI, and if the company is solvent, it can obtain a license.
NAIFA Position: Support
Status: Passed Senate Commerce and Energy Committee (6-0 consent) on January 21; passed Senate (34-0) on January 22; referred to House Commerce and Energy Committee.

SB 60 An Act to adopt the Physical Therapist Licensure Compact
Introduced by: Senator Duhamel
Summary: This bill does what the title indicates. It sets forth the criteria for South Dakota to join a Compact to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.
NAIFA Position: Monitor
Status: Scheduled for hearing in Senate Health and Human Services Committee on February 7.

SB 106 An Act to accommodate legislation enhancing health care
Sponsor: Senator Bolin and Representative Chase
Summary: This is a vehicle bill.
NAIFA Position: Monitor
Status: Referred to Senate State Affairs Committee.

SB 108 An Act to revise the time period allowable for certain covenants not to compete.
Introduced by: Brock Greenfield
Summary: This bill reduces the time-frame for a covenant not to compete from two years to one year from the date of termination. It applies to employment contracts and contracts of captive insurance agents.
NAIFA Position: Monitor
Status: Assigned to Senate Commerce and Energy Committee.

SB 109 An Act to provide protections for health care decisions governed by conscience.
Introduced by: Senator Stalzer
Summary: This bill is new law that states that a health care provider, health care institution, or health care payer has the right not to participate in or pay for a health care service that violates the entity’s conscience.
NAIFA Position: Oppose?
SB 110 An Act to permit the Department of Revenue to disclose tax returns and tax return information to the Legislative Research Council in certain circumstances.
Introduced by: Senator Nesiba
Summary: This bill allows disclosure of tax returns to the LRC for the purpose of preparing and submitting independent projections or for determining the fiscal impact a bill or initiated measure would have on the revenues of the state.
NAIFA Position: Monitor
Status: Assigned to Senate State Affairs Committee.

SB 119 An Act to revise certain provisions regarding private placement insurance
Sponsor: Senator Schoenbeck and Representative Diedrich
Summary: This bill amends law to allow the policyholder’s designee to provide consent to distribute the assets of the separate account to the claimant.
NAIFA Position: Monitor
Status: Assigned to Senate Commerce and Energy Committee.

SB 129 An Act to prohibit the cancellation or nonrenewal of a health insurance policy for a preexisting condition
Sponsor: Senator Heinert
Summary: This bill provides that a health insurance policy may not be cancelled, nor may renewal be refused, solely based on a preexisting condition of the injured person.
NAIFA Position: Monitor
Status: Referred to Senate Commerce and Energy Committee.

SB 130 An Act to revise certain health programs and make an appropriation therefor
Sponsor: Senator Wiik and Maher
Summary: This bill appropriates from the general fund one dollar or so much thereof as may be necessary, to the Appropriations, for purposes of enhancing health care programs in South Dakota and to promote efficiency in this state government.
NAIFA Position: Monitor
Status: Referred to Senate Appropriations Committee.

SB 132 An Act to accommodate legislation enhancing health care
Sponsor: Senator Maher and Wiik
Summary: This is a vehicle bill.
NAIFA Position: Monitor
Status: Referred to Senate Appropriations Committee.

SB 133 An Act to revise certain provisions to enhance and promote South Dakota and to make an appropriation therefor
Sponsor: Senator Wiik and Maher
Summary: This bill appropriates from the general fund one dollar or so much thereof as may be necessary, to the state, for purpose of enhancing and benefitting the citizens of South Dakota and to promote efficiency in state government.
NAIFA Position: Monitor
Status: Referred to Senate Appropriations Committee.

Draft 486 An Act to provide for step therapy protocol regarding certain prescription drugs.
Requested by: Senator Langer
Summary: This bill restricts the ability of health plans and utilization review organizations to use a step therapy protocol.
NAIFA Position: Oppose
Status: Not yet introduced.

Respectfully submitted,

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