



## 2021 South Dakota Legislature

# Senate Bill 125

SENATE HEALTH AND HUMAN SERVICES ENGROSSED

Introduced by: **Senator Nesiba**

1 **An Act to temporarily require the wearing of face coverings in the state under**  
 2 **certain conditions and to declare an emergency.**

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

4 **Section 1. Definition--Indoor retail business.** For the purpose of this Act, the term, retail  
 5 business, means any enclosed business operating as a bar, restaurant, brewery, café, casino,  
 6 coffee shop, recreational or athletic facility, health club, grocery store, market, retail store,  
 7 hardware store, sporting goods store, convenience store, home improvement store,  
 8 pharmacy, drug store, food pantry, vehicle for hire, transportation networking company,  
 9 theater, or entertainment venue.

10 **Section 2. Mask requirement.** Within the state, all persons shall wear a face covering in an  
 11 indoor retail business or a government-owned facility where six-foot social distancing cannot  
 12 be achieved or maintained. A face covering shall be worn to cover the nose and mouth  
 13 completely, and can be a paper or disposable mask, a cloth mask, a scarf, a bandana, or a  
 14 neck gaiter.

15 **Section 3. Exceptions.** The requirements of section 2 of this Act do not apply to:

- 16 (1) A person under the age of five years old;  
 17 (2) A person seated at a public place to eat or drink, or while immediately consuming  
 18 food or beverages;  
 19 (3) A person who is receiving dental or medical care that prevents the person from  
 20 wearing a face covering;  
 21 (4) A person with a medical condition, mental health condition, or disability that makes  
 22 it unreasonable for the person to maintain a face covering;  
 23 (5) A person who is engaged in swimming or a team sports activity where the level of  
 24 exertion makes it difficult to wear a face covering;

1       (6) Public safety workers actively engaged in a public safety role, including law  
2       enforcement personnel, fire fighters, or emergency medical personnel, in situations  
3       where wearing a face covering would seriously interfere in the performance of the  
4       person's public safety responsibilities; and

5       (7) Any member of a group of persons who are in an indoor retail business together  
6       and live in the same household or are a party of ten less, so long as the group  
7       maintains a continuous physical distance of at least six feet from all other persons  
8       not part of the household or party.

9       **Section 4. Repealer.** This Act is repealed on April 30, 2021.

10      **Section 5.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
11      health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force  
12      and effect from and after its passage and approval.