

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

940Z0220

SENATE BILL NO. 93

Introduced by: Senators Nelson, Curd, Greenfield (Brock), Haverly, Jensen (Phil), Langer, Maher, Netherton, Otten (Ernie), Russell, Stalzer, Tapio, and Youngberg and Representatives DiSanto, Bordeaux, Brunner, Campbell, Dennert, Frye-Mueller, Goodwin, Gosch, Howard, Kaiser, Lesmeister, Livermont, Marty, May, Pischke, Rhoden, and Zikmund

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the intentional
2 exposure of others to certain diseases.

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

4 Section 1. That § 34-23-1 be amended to read:

5 34-23-1. Syphilis, gonorrhea, and chancroid ~~hereinafter~~ are designated as to be venereal
6 diseases and are ~~hereby declared to be~~ contagious, infectious, communicable, and dangerous to
7 the public health. ~~It is a Class 2 misdemeanor for anyone~~ Any person infected with ~~these~~
8 ~~diseases or any of them to expose~~ a venereal disease under this section who intentionally
9 exposes another person to infection ~~of that venereal disease is guilty of a Class 1 misdemeanor.~~

10 Section 2. That chapter 22-18 be amended by adding a NEW SECTION to read:

11 Any person infected with hepatitis C who intentionally exposes another person to infection
12 by:

13 (1) Transferring, donating, or providing blood, tissue, organs, or other potentially



1 infectious body fluids or parts for transfusion, transplantation, or other administration
2 to another in any manner that presents a significant risk of hepatitis C transmission;

3 (2) Dispensing, delivering, exchanging, selling, or in any other way transferring to
4 another person any nonsterile intravenous or intramuscular drug paraphernalia that
5 has been contaminated by the person; or

6 (3) Throwing, smearing, or otherwise causing blood to come in contact with another
7 person for the purpose of exposing that person to hepatitis C infection

8 is guilty of a Class 3 felony.

9 Section 3. That the code be amended by adding a NEW SECTION to read:

10 Any person who knowingly violates the provisions of § 22-18-31, section 2 of this Act,
11 § 34-22-5, 34-22-18, or 34-23-4 is liable for civil damages.