

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

938B0452

HOUSE EDUCATION ENGROSSED NO. **HB 1116** - 2/11/2019

Introduced by: Representatives Frye-Mueller, Beal, Brunner, Dennert, Goodwin, Howard, Jensen (Kevin), Johnson (Chris), Latterell, Otten (Herman), Peterson (Sue), Pischke, Randolph, Rasmussen, Steele, Weis, and Wiese and Senators DiSanto, Jensen (Phil), Nelson, and Russell

1 FOR AN ACT ENTITLED, An Act to prohibit the conduct of certain physical examinations or
2 screenings on students in a school district without parental consent.

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

4 Section 1. That chapter 13-1 be amended by adding a NEW SECTION to read:

5 No nonemergency, invasive physical examination or screening may be conducted on any
6 student in any school district without the prior written consent of the student's parent or
7 guardian. The written consent of the parent or guardian shall be obtained by the school district
8 specifically for the particular examination or screening that is being conducted. No parental
9 consent for any nonemergency, invasive physical examination or screening may be included as
10 part of a routine consent form contained in a school handbook and signed annually by parents
11 or guardians at the start of a school year. Parental consent shall be obtained separately and
12 distinctly for each examination or screening conducted.

13 For the purposes of this Act, a nonemergency, invasive physical examination or screening



1 is any medical examination that involves the exposure of private body parts, or any act during
2 the examination that includes incision, insertion, or injection into the body, but does not include
3 a hearing, vision, or scoliosis screening and is:

- 4 (1) Required as a condition of attendance;
- 5 (2) Administered by the school and scheduled by the school in advance; and
- 6 (3) Not necessary to protect the immediate health and safety of the student.

7 For the purposes of this Act, a nonemergency, invasive physical examination or screening
8 does not include any dental examination or dental screening.

9 Nothing in this section is intended to supersede or modify any provision in 20 U.S.C. §
10 1232h as amended to January 1, 2019.