



2021 South Dakota Legislature

Senate Bill 170

Introduced by: **Senator Frye-Mueller**

1 **An Act to prohibit the conduct of certain physical examinations or screenings on**
 2 **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 a NEW SECTION be added:

5 **13-1-67. Physical Examinations--Parental consent required.**

6 No nonemergency, invasive physical examination or screening may be conducted
 7 on any student in any school district without the prior written consent of the student's
 8 parent or guardian. The school district shall obtain the written consent of the parent or
 9 guardian specifically for the particular examination or screening that is being conducted.

10 No parental consent for any nonemergency, invasive physical examination or
 11 screening may be included as part of a routine consent form contained in a school
 12 handbook and signed annually by parents or guardians at the start of a school year. The
 13 school district shall obtain parental consent separately and distinctly for each examination
 14 or screening conducted.

15 For the purposes of this section, a nonemergency, invasive physical examination
 16 or screening is any medical examination that involves the exposure of private body parts,
 17 or any act during the examination that includes incision, insertion, or injection into the
 18 body, and is:

- 19 (1) Required as a condition of attendance;
 20 (2) Administered by the school district and scheduled by the school district in advance;
 21 and
 22 (3) Not necessary to protect the immediate health and safety of the student.

23 The term does not include a hearing, vision, or scoliosis screening, or a dental
 24 screening or examination.