

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0194

SENATE BILL NO. 44

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise the definition of individuals with a serious
2 emotional disturbance.

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

4 Section 1. That § 27A-15-1.1 be amended to read:

5 27A-15-1.1. For the purposes of this chapter, an individual with a serious emotional
6 disturbance is an individual who:

7 (1) Is under eighteen years of age;

8 (2) Exhibits behavior resulting in functional impairment which substantially interferes
9 with, or limits the individual's role or functioning in the community, school, family,
10 or peer group;

11 (3) Has a mental disorder ~~diagnosed under~~ specified within the Diagnostic and Statistical
12 Manual of Mental Disorders, fifth edition, 2013, or coding found in the International
13 Classification of Diseases, 10th revision, Clinical Modification, 2015;

14 (4) Has demonstrated a need for one or more special care services, in addition to mental
15 health services; and



1 (5) Has problems with a demonstrated or expected longevity of at least one year or has
2 an impairment of short duration and high severity.

3 For purposes of this section, intellectual disability, epilepsy, other developmental disability,
4 alcohol or substance abuse, brief period of intoxication, or criminal or delinquent behavior do
5 not, alone, constitute a serious emotional disturbance.