

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0194

HOUSE ENGROSSED NO. **SB 44** - 2/28/2017

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 the Diagnostic and Statistical Manual of
12 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.