

AN ACT

ENTITLED, An Act to remove an outdated reference from the definition of an accredited prevention or treatment facility.

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

Section 1. That § 34-20A-2 be amended to read:

34-20A-2. Terms as used in this chapter mean:

- (1) "Accredited prevention or treatment facility," a private or public agency meeting the standards prescribed in § 34-20A-27 or a private or public agency or facility surveyed and accredited by the Joint Commission; an Indian Health Service's quality assurance review under the Indian Health Service Manual, Professional Standards-Alcohol/Substance Abuse; or the Commission on Accreditation of Rehabilitation Facilities; or the Council on Accreditation; under the drug and alcohol treatment standards incorporated and adopted by the division in rules promulgated pursuant to chapter 1-26, if proof of the accreditation, with accompanying recommendations, progress reports and related correspondence are submitted to the Division of Behavioral Health in a timely manner;
- (2) "Addiction counselor," a person licensed or certified as an addiction counselor by the South Dakota Board of Addiction and Prevention Professionals;
- (3) "Alcoholic," a person who habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that the person's health is substantially impaired or endangered or the person's social or economic function is substantially disrupted;
- (4) "Department," the Department of Social Services;
- (5) "Designated prevention or treatment facility," an accredited agency operating under the direction and control of the state or providing services under this chapter through a

contract with the division or treatment facilities operated by the federal government which may be designated by the division without accreditation by the state;

- (6) "Division," the Division of Behavioral Health within the department;
- (7) "Drug abuser," a person who habitually lacks self-control as to the use of controlled drugs or substances as defined in § 34-20B-3 to the extent that the person's health is substantially impaired or endangered or that the person's social or economic function is substantially disrupted;
- (8) "Incapacitated by alcohol or other drugs," that a person, as a result of the use of alcohol or other drugs, is unconscious or the person's judgment is otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment;
- (9) "Incompetent person," a person who has been adjudged incompetent by the circuit court;
- (10) "Intoxicated person," a person who demonstrates diminished mental or physical capacity as a result of the use of alcohol or other drugs;
- (11) "Prevention," purposeful activities designed to promote personal growth of a person and strengthen the aspects of the community environment which are supportive to the person in order to preclude, prevent, or impede the development of alcohol or other drug misuse and abuse;
- (12) "Secretary," the secretary of the Department of Social Services;
- (13) "Treatment," the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, which may be extended to a person experiencing problems as a result of the use of alcohol or other drugs.

An Act to remove an outdated reference from the definition of an accredited prevention or treatment facility.

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I certify that the attached Act originated in the

SENATE as Bill No. 45

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 45  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State