



1/21/22 Legislative Report

We are at the eighth day of this year's legislative session. We have already had committee action on multiple insurance bills, with two defeated and one passed. However, there are many bills which have yet to be posted some of which are known to be insurance bills. There is a long way to go and plenty of issues left to consider before we conclude this session.

I. Support Bills

1. **HB1059** This is a Division of Insurance bill (albeit not filed as one) that allows for the withdrawal of insurance agent applications for licensure when the applicant doesn't respond. This is good in that agents who simply fail to follow through on their application won't have a regulatory black mark on their record should they ever wish to enter the insurance business. This was unanimously passed by the Commerce & Energy Committee and is now headed to the Senate.

Status: Passed House of Representative
[South Dakota House Bill 1059 \(sdlegislature.gov\)](https://sdlegislature.gov/bills-tracked/2022/house/bills/1000-1099/1059)

II. Neutral Bills: The following bills are ones where we are neutral, and are only watching at present:

1. **HB1029** This is a Division bill that simply changed the definition of telehealth. While this seemed innocuous, according to Wellmark this would have a large premium impact on health insurance. Based upon these concerns the committee sent this bill to the 41st day, effectively defeating the bill, at least for the time being.

Status: Deferred to 41st day by House Commerce and Energy
[South Dakota House Bill 1029 \(sdlegislature.gov\)](https://sdlegislature.gov/bills-tracked/2022/house/bills/1000-1099/1029)

2. **HB1078** authorizes the use of all terrain vehicles with electric motors to be licensed as a motorcycle for use on public roads. Golf carts are excluded.

Status: Referred to House Transportation
[South Dakota House Bill 1078 \(sdlegislature.gov\)](https://sdlegislature.gov/bills-tracked/2022/house/bills/1000-1099/1078)

3. **HB1084** authorizes municipalities to adopt ordinances permitting the use of motorized foot scooters on any street or bike path.

Status: Referred to House Local Government Committee
[South Dakota House Bill 1084 \(sdlegislature.gov\)](https://sdlegislature.gov/bills-tracked/2022/house/bills/1000-1099/1084)

4. **SB17** clarifies that health insurance plans and workers' compensation are not by virtue of the provisions of the chapter (34-20G the medical cannabis chapter)

required to provide insurance coverage for medical cannabis. In other words, the intent is for the cannabis statutes not to create an insurance mandate.

Status: Passed Senate Health and Human Services Committee

[South Dakota Senate Bill 17 \(sdlegislature.gov\)](https://sdlegislature.gov)

5. **SB92** requires self-funded governmental pools to provide reports to the SD Department of Legislative Audit which includes a financial plan showing financial and coverage data and providing copies of contracts, organizational documents and premium and claims data. These plans are exempt from regulation under the insurance title.

Status: Referred to Senate Commerce & Energy Committee

[South Dakota Senate Bill 92 \(sdlegislature.gov\)](https://sdlegislature.gov)

III. Oppose Bills

1. **HB1008** allows an employee to bring a cause of action against an employer for illnesses caused by a vaccination if the employer required the vaccination. The bill has an emergency clause and would be effective upon enactment. This would have a detrimental effect on liability premiums and also create liability for insurance agencies that may require vaccinations.

Status: Referred to House Judiciary

[South Dakota House Bill 1008 \(sdlegislature.gov\)](https://sdlegislature.gov)

2. **SB70** increases the time frame for reporting of workers' compensation injuries from 3 days to 30 days. There was strong concern among employers and the insurance industry that this would be detrimental for workers' compensation during committee testimony.

Status: Sent to 41st legislative day by Senate Commerce & Energy Committee

[South Dakota Senate Bill 70 \(sdlegislature.gov\)](https://sdlegislature.gov)

IV. Under Review

1. **SB89** mandates individual and group health insurance coverage for hearing aids and other similar devices for those under age 19. Under current law hearing disorders are covered but hearing aids are specifically allowed to be excluded. This legislation would have the effect of increasing health insurance premiums.

Status: Referred to Senate Health and Human Services Committee

[South Dakota Senate Bill 89 \(sdlegislature.gov\)](https://sdlegislature.gov)

2. **HB1102** changes one of the criterion for being an exempt commercial lines policyholder. Specifically it changes the aggregate premium threshold from \$100,000 to \$50,000. However, the policyholder still must meet one of the other six criteria to qualify as an exempt commercial lines policyholder.

Status: Unassigned

[South Dakota House Bill 1102 \(sdlegislature.gov\)](https://sdlegislature.gov)

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