

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

445L0787

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1249** - 02/11/2005

Introduced by: Representatives Dykstra, Brunner, Buckingham, Davis, Deadrick, Frost, Fryslie, Garnos, Hackl, Howie, Hunhoff, Hunt, Jensen, Klaudt, Koistinen, Kraus, Krebs, Lange, McCoy, Miles, Nelson, Olson (Ryan), Pederson (Gordon), Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Van Etten, Weems, and Wick and Senators Hansen (Tom), Abdallah, Apa, Bartling, Duenwald, Earley, Gant, Gray, Greenfield, Hanson (Gary), Kooistra, Koskan, Lintz, McNenny, Moore, Napoli, Peterson (Jim), Schoenbeck, Smidt, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to prohibit the performance of abortions, except to save the
2 life of the mother, and to provide a penalty therefor and to provide for a delayed effective
3 date.

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

5 Section 1. That § 34-23A-2 be repealed.

6 ~~— 34-23A-2. An abortion may be performed in this state only if it is performed in compliance~~
7 ~~with § 34-23A-3, 34-23A-4, or 34-23A-5.~~

8 Section 2. That § 34-23A-3 be repealed.

9 ~~— 34-23A-3. An abortion may be performed by a physician during the first twelve weeks of~~
10 ~~pregnancy. The abortion decision and its effectuation must be left to the medical judgment of~~
11 ~~the pregnant woman's attending physician during the first twelve weeks of pregnancy.~~

12 Section 3. That § 34-23A-4 be repealed.



1 ~~34-23A-4. An abortion may be performed following the twelfth week of pregnancy and~~
2 ~~through the twenty-fourth week of pregnancy by a physician only in a hospital licensed under~~
3 ~~the provisions of chapter 34-12 or in a hospital operated by the United States, this state, or any~~
4 ~~department, agency, or political subdivision of either or in the case of hospital facilities not~~
5 ~~being available, in the licensed physician's medical clinic or office of practice subject to the~~
6 ~~requirements of § 34-23A-6.~~

7 Section 4. That § 34-23A-5 be repealed.

8 ~~34-23A-5. An abortion may be performed following the twenty-fourth week of pregnancy~~
9 ~~by a physician only in a hospital authorized under § 34-23A-4 and only if there is appropriate~~
10 ~~and reasonable medical judgment that performance of an abortion is necessary to preserve the~~
11 ~~life or health of the mother.~~

12 Section 5. That § 22-17-5 be repealed.

13 ~~22-17-5. Any person who performs, procures or advises an abortion other than authorized~~
14 ~~by chapter 34-23A is guilty of a Class 6 felony.~~

15 Section 6. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Any person who administers to any pregnant female or who prescribes or procures for any
18 pregnant female any medicine, drug, or substance or uses or employs any instrument or other
19 means with intent thereby to procure an abortion, unless there is appropriate and reasonable
20 medical judgment that performance of an abortion is necessary to preserve the life of the
21 pregnant female, is guilty of a Class 6 felony.

22 Section 7. This Act is effective on the date that the states are recognized by the United States
23 Supreme Court to have the authority to regulate or prohibit abortion at all stages of pregnancy.