



2021 South Dakota Legislature

House Bill 1114

Introduced by: **Representative Hansen**

1 **An Act to provide a definition of abortion.**

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

3 **Section 1.** That § 34-23A-1 be AMENDED.

4 **34-23A-1. Definition of terms.**

5 Terms ~~as~~ used in this chapter mean:

- 6 (1) "Abortion," ~~the use of any means to intentionally terminate the pregnancy of a~~
 7 ~~woman known to be pregnant with knowledge that the termination with those~~
 8 ~~means will, with reasonable likelihood, cause the death of the fetus~~ intentional
 9 termination of the life of a human being in the uterus;
- 10 (1A) "Abortion facility," a place where abortions are performed;
- 11 (1B) "Department," the South Dakota Department of Health;
- 12 (2) "Fetus," the biological offspring, including the implanted embryo or unborn child, of
 13 human parents;
- 14 (3) "Fertilization," that point in time when a male human sperm penetrates the zona
 15 pellucida of a female human ovum;
- 16 (4) "Human being," an individual living member of the species of Homo sapiens,
 17 including the unborn human being during the entire embryonic and fetal ages from
 18 fertilization to full gestation;
- 19 (5) "Medical emergency," any condition which, on the basis of the physician's good faith
 20 clinical judgment, so complicates the medical condition of a pregnant woman as to
 21 necessitate the immediate abortion of her pregnancy to avert her death or for which
 22 a delay will create serious risk of substantial and irreversible impairment of a major
 23 bodily function;
- 24 (6) "Parent," one parent or guardian of the pregnant minor or the guardian or
 25 conservator of the pregnant woman;

1 (7) "Physician," a person licensed under the provisions of chapter 36-4 or a physician
2 practicing medicine or osteopathy in the employ of the government of the United
3 States or of this state;

4 (8) "Probable gestational age of the unborn child," what, in the judgment of the
5 physician, will with reasonable probability be the gestational age of the unborn child
6 at the time the abortion is planned to be performed.

7 **Section 2.** That § 34-23A-45 be AMENDED.

8 **34-23A-45. "Induced abortion" defined.**

9 For purposes of §§ 34-23A-34 to 34-23A-45, inclusive, only, the term, induced
10 abortion, means ~~the use of any means to intentionally terminate the pregnancy of a female~~
11 ~~known to be pregnant with knowledge that the termination with those means will, with~~
12 ~~reasonable likelihood, cause the death of the embryo or fetus~~ intentional termination of
13 the life of a human being in the uterus.