

2021 South Dakota Legislature

House Bill 1093**AMENDMENT 1093B FOR THE INTRODUCED BILL**

1 **An Act to revise the limitations on a municipality's power to take actions for the**
2 **promotion of health or the suppression of disease.**

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

4 **Section 1.** That § 9-32-1 be AMENDED.

5 **9-32-1. Promotion of health--Suppression of disease.**

6 Every ~~Each~~ municipality ~~shall have power to~~ may do what ~~may be~~ is necessary or
7 expedient for the promotion of health or the suppression of disease, ~~so long as, in the~~
8 ~~absence of an act of martial law having been declared, provided~~ any measure so taken,
9 including by ordinance or a resolution, does not prohibit or interfere with the free exercise
10 of religion, abridge any person's freedom of speech, or of the press, or of the right of the
11 people to peaceably assemble, or of the right of the people to petition the government for
12 a redress of grievances under the First Amendment to the United States Constitution, or
13 prohibit or interfere with activities within any person's residence or privately held business,
14 or interfere with any person's right to bear arms under the Second Amendment to the
15 United States Constitution.

16 This section does not apply in the case of a martial law declaration or in the case
17 of a lawfully declared state of emergency.