



## 2021 South Dakota Legislature

**Senate Bill 183**

SENATE ENGROSSED

Introduced by: **Senator Schoenbeck**

1 **An Act to declare certain contract provisions regarding abortion as unenforceable**  
 2 **and to provide a penalty therefor.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **53-9-13. Coerce or compel an abortion--Contract void.**

6 A provision in a contract is void and unenforceable if it in any way:

7 (1) Coerces, compels, or attempts to compel a pregnant woman to undergo an  
 8 abortion;

9 (2) Results in a breach of any term of the contract if a pregnant woman refuses to  
 10 undergo an abortion; or

11 (3) Results in the pregnant woman assuming any cost, obligation, or responsibility for  
 12 refusing to undergo an abortion.

13 **Section 2.** That a NEW SECTION be added:

14 **22-17-14. Coercion--Abortion--Misdemeanor or felony.**

15 A person is guilty of a Class 1 misdemeanor if the person:

16 (1) Coerces, compels, or attempts to compel a pregnant woman to undergo an  
 17 abortion;

18 (2) Requires a pregnant woman to agree to a provision that if she refuses to undergo  
 19 an abortion, it is a breach of a contract; or

20 (3) Requires a pregnant woman to agree to a provision that results in her assuming  
 21 any cost, obligation, or responsibility for refusing to undergo an abortion.

22 A subsequent offense of this section is a Class 6 felony.

23 **Section 3.** That § 37-24-12 be AMENDED.

1           **37-24-12. Attorney general's investigative demand for report on suspect**  
2           **practices.**

3           If the attorney general has reason to believe that a person has engaged in, is  
4           engaging in, or is about to engage in any act or practice declared to be unlawful by § 37-  
5           24-6 or has entered into a contract with a provision that is void and unenforceable under  
6           § 53-9-13, and he believes it to be in the public interest that an investigation should be  
7           made to ascertain whether a person has in fact engaged in, is engaging in, or is about to  
8           engage in any such act-~~or~~, practice, or contract, he may execute in writing and cause to  
9           be served upon any person who is believed to have information, documentary material,  
10          or physical evidence relevant to the alleged violation, an investigative demand requiring  
11          such person to furnish, under oath or otherwise, a report in writing setting forth the  
12          relevant facts and circumstances of which he has knowledge, or to appear and testify, or  
13          to produce relevant documentary material or physical evidence for examination, at such  
14          reasonable time and place as may be stated in the investigative demand, concerning a  
15          provision covered under § 53-9-13 or the advertisement, sale, or offering for sale of any  
16          merchandise.