



2021 South Dakota Legislature  
**Senate Bill 83**  
**ENROLLED**

AN ACT

**ENTITLED An Act to require the provision of information regarding perinatal hospice.**

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

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

**34-23B-7. Definitions.**

Terms used in §§ 34-23B-8 and 34-23B-9 mean:

- (1) "Lethal fetal anomaly," a condition that is diagnosed before the child's birth and will, with reasonable medical certainty, result in the child's death within three months from the date of birth; and
- (2) "Perinatal hospice," the provision of:
  - (a) Comprehensive, supportive care to a pregnant mother and her family, beginning with the diagnosis of a lethal fetal anomaly and continuing through the birth and resultant death of the child; and
  - (b) Counseling and medical care by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers, and others who are focused on alleviating fear and ensuring that the mother and her family experience the life and death of the child in a comfortable and supportive environment.

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

**34-23B-8. Perinatal hospice providers and programs.**

The Department of Health shall develop and post on the department's website:

- (1) A brochure that:
  - (a) Describes the services available from a perinatal hospice program;
  - (b) Includes a statement that medical assistance benefits may be available for prenatal care, childbirth, and perinatal hospice;

- (c) Includes information regarding access to grief counseling and other support programs; and
- (d) Includes a link to the departmental website at which additional information may be accessed;
- (2) A list of all perinatal hospice providers and programs located in this state;
- (3) A list of perinatal hospice providers and programs that:
  - (a) Are located in surrounding states; and
  - (b) Provide care to residents of this state; and
- (4) A list of other perinatal hospice resources.

**Section 3.** That a NEW SECTION be added:

**34-23B-9. Receipt of information.**

If a pregnant mother is notified of a lethal fetal anomaly, the health care provider shall, at the time of notification, provide the mother with copies of the brochure and lists referenced in § 34-23B-8.

An Act to require the provision of information regarding perinatal hospice.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 83

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 83  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State