



2021 South Dakota Legislature
Senate Bill 124
ENROLLED

AN ACT

ENTITLED An Act to provide protections for the exercise of religious freedom.

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

Section 1. That a NEW SECTION be added:

1-1A-4. Government authority--Limitations related to the exercise of religion.

Notwithstanding any other provision of law, no state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions may:

- (1) Substantially burden a person's exercise of religion unless applying the burden to that person's exercise of religion in a particular situation is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling government interest;
- (2) Treat religious conduct more restrictively than any secular conduct of reasonably comparable risk; or
- (3) Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit.

This section constitutes a general law of the state within the meaning of S.D. Const., Article IX, § 2 and supersedes any contrary provision in a home rule charter. Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in circuit court, or may assert such violation as a defense in a judicial or administrative proceeding. The plaintiff, if the prevailing party, may also recover reasonable attorney's fees and costs.

An Act to provide protections for the exercise of religious freedom.

I certify that the attached Act originated in
the:
Senate as Bill No. 124

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. 124
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State