



2021 South Dakota Legislature
House Bill 1114
ENROLLED

AN ACT

ENTITLED An Act to provide a definition of abortion.

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

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

34-23A-1. Definition of terms.

Terms used in this chapter mean:

- (1) "Abortion," the intentional termination of the life of a human being in the uterus;
- (1A) "Abortion facility," a place where abortions are performed;
- (1B) "Department," the South Dakota Department of Health;
- (2) "Fetus," the biological offspring, including the implanted embryo or unborn child, of human parents;
- (3) "Fertilization," that point in time when a male human sperm penetrates the zona pellucida of a female human ovum;
- (4) "Human being," an individual living member of the species of Homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation;
- (5) "Medical emergency," any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;
- (6) "Parent," one parent or guardian of the pregnant minor or the guardian or conservator of the pregnant woman;
- (7) "Physician," a person licensed under the provisions of chapter 36-4 or a physician practicing medicine or osteopathy in the employ of the government of the United States or of this state;

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

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

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

For purposes of §§ 34-23A-34 to 34-23A-45, inclusive, only, the term, induced abortion, means the intentional termination of the life of a human being in the uterus.

An Act to provide a definition of abortion.

I certify that the attached Act originated in
the:

House as Bill No. 1114

Received at this Executive Office
this _____ day of _____,
2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

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

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1114
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State