



2022 South Dakota Legislature

House Bill 1211

Introduced by: **Representative** Gosch

1 **An Act to prohibit the enforcement of contracts limiting competition on certain**
 2 **matters of conscience.**

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

4 **Section 1. That chapter 53-9 be amended with a NEW SECTION:**

5 Any provision of a contract that prohibits an employee from engaging directly or
 6 indirectly in the same business or profession as that of the employer, in the manner
 7 permitted by § 53-9-11, is voidable by the employee, whether orally or in writing, if the
 8 employer mandates or requires the employee obtain a COVID-19 vaccination in violation
 9 of the conscience of the employee.

10 **Section 2.** That § 53-9-11 be AMENDED.

11 **53-9-11. Employment contract--Limitation on competition.**

12 Except as otherwise provided in § 53-9-11.1 and section 1 of this Act, an employee
 13 may agree with an employer at the time of employment or at any time during employment
 14 not to engage directly or indirectly in the same business or profession as that of the
 15 employer for any period not exceeding two years from the date of termination of the
 16 agreement and not to solicit existing customers of the employer within a specified county,
 17 first- or second-class municipality, or other specified area for any period not exceeding
 18 two years from the date of termination of the agreement, if the employer continues to
 19 carry on a like business therein.