



2022 South Dakota Legislature

Senate Bill 164

Introduced by: **Senator** Diedrich

1 **An Act to clarify the requirements for the execution of a living will declaration.**

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

3 **Section 1. That § 34-12D-2 be AMENDED:**

4 **34-12D-2.** A competent adult may at any time execute a declaration governing
 5 the withholding or withdrawal of life-sustaining treatment from the adult. The declaration
 6 ~~shall~~ must be signed by the declarant, or another at the declarant's direction, and must
 7 be witnessed by two adult individuals. ~~The signing may be in the presence of, or by a~~
 8 notary public who shall thereafter notarize the declaration. A declaration ~~shall~~ must state
 9 the declarant's preferences regarding whether the declarant wishes to receive or not
 10 receive artificial nutrition and hydration. If the declaration does not state the declarant's
 11 preferences ~~with respect~~ as to artificial nutrition and hydration, whether artificial nutrition
 12 and hydration is to be provided, withheld, or withdrawn ~~shall~~ must be governed by the
 13 law of this state ~~which~~ that would apply in the absence of a declaration.