

2022 South Dakota Legislature

House Bill 1258**AMENDMENT 1258B FOR THE HOUSE STATE AFFAIRS
ENGROSSED BILL**

1 **An Act to protect an individual's conscience from entities requiring the COVID-19**
2 **vaccine.**

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

4 **Section 1.** This Act shall be referred to as the COVID-19 Vaccine Freedom of Conscience Act.

5 **Section 2. That a NEW SECTION be added to title 34:**

6 For the purpose of this Act, the term, conscience, means a person's inner conviction
7 of what is right or wrong in the person's conduct.

8 **Section 3. That a NEW SECTION be added to title 34:**

9 A person has the right to be exempt from any COVID-19 vaccination mandate,
10 requirement, obligation, or demand on the basis that receiving a COVID-19 vaccination
11 violates the person's conscience. A person may exercise the right to be exempt under this
12 Act orally or in writing.

13 **Section 4. That a NEW SECTION be added to title 34:**

14 No person may be subjected to any disciplinary action; being terminated, demoted,
15 or losing employment status in any way; loss of student status, including status in a
16 particular study program; nor may any person be denied access to any business premises
17 as a result of the person's decision to decline to receive a COVID-19 vaccination on the
18 basis of conscience.

19 **Section 5. That a NEW SECTION be added to title 34:**

20 Any entity or agent of any entity that mandates or requires any person to receive
21 a COVID-19 vaccination or conditions any person's job or student status upon receiving a

1 COVID-19 vaccination must inform the person of the right to the conscience exemption
2 under this Act.

3 **Section 6. That a NEW SECTION be added to title 34:**

4 A civil action for damages or injunctive relief, or both, may be brought by any
5 person for any violation of any provision of this Act. A person aggrieved by any violation
6 of this Act who commences a civil action is entitled, upon the finding of a violation, to
7 recover threefold the actual damages sustained, along with the costs of the action and
8 reasonable attorney's fees.

9 **Section 7. That a NEW SECTION be added to title 34:**

10 A health care facility, as defined in § 34-12-1.1, is exempt from this Act during any
11 period of time that compliance would result in a violation of regulations issued by the
12 centers for medicare and medicaid services or the centers for disease control and
13 prevention.

14 **Section 8. That a NEW SECTION be added to title 34:**

15 This Act does not:
16 (1) Apply to the South Dakota National Guard; and
17 (2) Prevent the South Dakota National Guard from requiring a COVID-19 immunization
18 in compliance with a valid and lawful command order that applies to a
19 servicemember who may be subject to federal activation.