2022 South Dakota Legislature

Senate Bill 211

AMENDMENT 211H FOR THE SENATE COMMERCE AND ENERGY ENGROSSED BILL

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

An Act to provide statutory COVID-19 vaccine exemptions and to declare an emergency.

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

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

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

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

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

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

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

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

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

Any entity or agent of any entity that mandates or requires any person to receive a COVID-19 vaccination or conditions any person's job or student status upon receiving a COVID-19 vaccination must inform the person of the right to the conscience exemption under this Act.

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

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

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

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

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

This Act does not:

(1) Apply to the South Dakota National Guard; and

(2) Prevent the South Dakota National Guard from requiring a COVID-19 immunization in compliance with a valid and lawful command order that applies to a servicemember who may be subject to federal activation.

AMENDMENT