

## 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.

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

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:**

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

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

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

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

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

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

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