

## 2022 South Dakota Legislature

**Senate Bill 211****AMENDMENT 211I FOR THE SENATE COMMERCE AND  
ENERGY ENGROSSED BILL**

1 **An Act to ~~provide statutory COVID-19 vaccine exemptions and to declare an~~**  
2 **emergencyprotect an individual's conscience from entities requiring the**  
3 **COVID-19 vaccine.**

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

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

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

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

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

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

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

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

20 **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.