An Act to prohibit the use of state resources in hosting lewd or lascivious content.

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

Section 1. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, the Board of Technical Education, or any institution under their control; a state agency or any institution under the control of a state agency; or a public school district may not authorize or expend public moneys or use any state-owned facility or property to develop, implement, facilitate, host, promote, or fund any lewd or lascivious content.

For the purpose of this section, the term, lewd or lascivious content, means any program, event, or literature presenting obscene live conduct, as defined by subdivision 22-24-27(10), or obscene material, as defined by subdivision 22-24-27(11), that depicts, describes, or simulates, as applicable:

(1) Any specific sexual activity, as defined in § 11-12-1;
(2) Any specific anatomical areas, as defined in § 11-12-1;
(3) Nude or seminude adults, as defined in § 11-12-1;
(4) Adults who remove clothing for the entertainment of one or more individuals; or
(5) Any physical human body activity, whether performed alone or with other persons, including singing, speaking, dancing, acting, simulation, or pantomiming, where a performer exhibits a gender identity that is different from the performer's biological sex through the use of clothing, makeup, or other physical markers, for the predominant purpose of appealing to a prurient interest.

Section 2. That § 13-53-49 be AMENDED:

13-53-49. AsTerms used in §§ 13-53-49 to 13-53-53, inclusive, mean:
(1) "Expressive activity," protected under the provisions of §§ 13-53-49 to 13-53-53, inclusive, includes any lawful noncommercial verbal or written means by which one

Underscores indicate new language.
Overstrikes indicate deleted language.
person communicates ideas to another, and includes peaceful assembly, protests, speeches, distribution of literature, the carrying of signs, and the circulation of petitions. Expressive activity may not be interpreted to include any lewd or lascivious content, as defined in section 1 of this Act; and

(2) "Intellectual diversity," denotes a learning environment that exposes students to and encourages exploration of a variety of ideological and political perspectives. Intellectual diversity may not be interpreted to include any lewd or lascivious content, as defined in section 1 of this Act.