



2023 South Dakota Legislature

House Bill 1169

Introduced by: **Representative** Rehfeldt

1 **An Act to authorize the performance and reporting of medical procedures to avert**
 2 **the death or physical impairment of a pregnant female and to declare an**
 3 **emergency.**

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

5 **Section 1. That chapter 22-17 be amended with a NEW SECTION:**

6 Notwithstanding any other law, before an abortion may be justified as necessary
 7 to preserve the life of a pregnant female, as set forth in § 22-17-5.1, the attending
 8 physician, exercising reasonable medical judgment, must determine that, by continuing
 9 the pregnancy, the female is at serious risk of death or of a substantial and irreversible
 10 physical impairment of one or more major bodily functions. An abortion authorized under
 11 this section may:

12 (1) If surgical, take place only at a hospital licensed under chapter 34-12; and

13 (2) If medical, be effectuated only by a physician practicing at a hospital licensed under
 14 chapter 34-12.

15 For purposes of this section, the term, reasonable medical judgment, means the
 16 judgment of a reasonably prudent physician, knowledgeable about the patient's medical
 17 history and the treatment options available to the patient.

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19 **Section 2. That chapter 22-17 be amended with a NEW SECTION:**

20 No later than thirty days after any abortion takes place under this section, the
 21 attending physician shall complete and submit to the Department of Health:

22 (1) Demographic information regarding the patient;

23 (2) A brief description regarding the medical condition that necessitated the abortion;

24 (3) The method by which the abortion occurred; and

25 (4) The gestational age of the fetus.

1 The department shall develop and make available on its website the form to be
2 used by a physician in accordance with this section and shall compile and include the
3 information in the annual vital statistics and health status report required under § 34-23A-
4 26.

5 Information required by this section may not include any personally identifiable
6 information about the patient.

7 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
8 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
9 and effect from and after its passage and approval.