



2023 South Dakota Legislature

House Bill 1223

Introduced by: **Representative Healy**

1 **An Act to authorize informed consent to certain procedures and medication by a**
2 **pregnant minor.**

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

4 **Section 1. That chapter 26-1 be amended with a NEW SECTION:**

5 If, during the labor and delivery process, an attending physician, using the
6 physician's best medical judgment, determines that a procedure or medication would
7 alleviate unnecessary pain or suffering for a pregnant patient who is a minor, the physician
8 must first attempt to obtain the consent of the minor's parent.

9 The physician may offer the minor the opportunity to provide informed consent for
10 the procedure or medication, and thereafter act on that consent, only if the physician
11 determines and documents that:

12 (1) The minor's parent is unavailable to provide informed consent;

13 (2) The minor's parent is incapable, because of a mental or physical incapacity, of
14 providing informed consent; or

15 (3) The minor's parent has stated a punitive reason for denying the consent.

16 This section does not apply to an emancipated minor, as defined in § 25-5-24.