

## 2023 South Dakota Legislature

**House Bill 1239****AMENDMENT 1239E  
FOR THE HOUSE COMMERCE AND ENERGY ENGROSSED  
BILL**

1 **An Act to prohibit a ban of gas services and appliances used by consumers.**

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

3 **Section 1. That chapter 34-39 be amended with a NEW SECTION:**

4 ~~No state law, regulation, or executive order and no~~ local ordinance or regulation  
5 ~~may prohibit the use, production, manufacture, or transport of fuel gas or fuel gas~~  
6 ~~appliances within the state. This section does not apply to a generally applicable zoning~~  
7 ~~ordinance, building regulation, or fire code if the ordinance, regulation, or code is not used~~  
8 ~~to prohibit the use, production, manufacture, or transport of fuel gas or fuel gas appliances~~  
9 ~~within the state.~~

10 ~~For the purposes of section 1 and 2 of this Act, the term, fuel gas, means natural~~  
11 ~~gas or propane.~~

12 **Section 2. That chapter 49-34A be amended with a NEW SECTION:**

13 ~~No state law, regulation, or executive order and no~~ local ordinance or regulation  
14 ~~may prohibit fuel gas utility service within the state. This section does not apply to a~~  
15 ~~generally applicable zoning ordinance, building regulation, or fire if the ordinance,~~  
16 ~~regulation, or code is not used to prohibit a fuel gas utility service within the state.~~