

## 2023 South Dakota Legislature

**House Bill 1053****AMENDMENT 1053G  
FOR THE HOUSE ENGROSSED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to ~~prohibit the issuance of a written certification to a pregnant woman or~~**  
2 **~~breastfeeding mother for purposes of medical cannabis use~~ authorize the**  
3 **performance and reporting of medical procedures to avert the death or**  
4 **physical impairment of a pregnant female.**

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

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

7 Notwithstanding any other law, before an abortion may be justified as necessary  
8 to preserve the life of a pregnant female, as set forth in § 22-17-5.1, the attending  
9 physician, exercising reasonable medical judgment, must determine that the female  
10 suffers from a physical disorder, physical injury, or physical illness, including a life-  
11 endangering physical condition caused by or arising from the pregnancy itself, which would  
12 place the female in danger of death, unless an abortion is performed.

13 An abortion authorized under this section must take place at a hospital licensed  
14 under chapter 34-12.

15 The physician shall make reasonable medical efforts, under the circumstances, to  
16 preserve both the life of the pregnant female and the life of her unborn child, in a manner  
17 consistent with reasonable medical practice.

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

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

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

- 1 (1) Demographic information regarding the patient;
- 2 (2) A detailed description regarding the medical condition that necessitated the
- 3 abortion;
- 4 (3) The method by which the abortion occurred; and
- 5 (4) The gestational age of the fetus.

6 The department shall develop and make available on its website the form to be  
7 used by a physician in accordance with this section and shall compile and include the  
8 information in the annual vital statistics and health status report required under § 34-23A-  
9 26.

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

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