

Chapter 115
(Senate Bill 180)

An Act to address requirements for the execution of a living will.

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

Section 1. That § 34-12D-2 be AMENDED:

34-12D-2. A competent adult may at any time execute a declaration governing the withholding or withdrawal of life-sustaining treatment. The declaration ~~shall~~must be signed by the declarant, or by another at the declarant's direction, and witnessed by two ~~adult individuals~~. ~~The signing may be in the presence of adults, or by a notary public who shall thereafter notarize the declaration.~~

A declaration ~~shall~~must state the declarant's preferences regarding ~~whether the declarant wishes to receive or not receive the provision, withholding, or withdrawal of~~ artificial nutrition and hydration.

If the declaration does not state the declarant's preferences ~~with respect to regarding the provision, withholding, or withdrawal of~~ artificial nutrition and hydration, ~~whether any determination regarding the provision, withholding, or withdrawal of~~ artificial nutrition and hydration is ~~to be provided, withheld, or withdrawn shall be governed by the law~~laws of this state ~~which would apply that apply~~ in the absence of a declaration.

Signed March 23, 2023
