

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

427V0399

HOUSE BILL NO. 1180

Introduced by: Representatives Ecklund, Campbell, Craig, Greenfield, Haggard (Don), Haggard (Jenna), Heinemann (Leslie), Hickey, Hunhoff (Bernie), Kaiser, Kopp, Latterell, Olson (Betty), Schaefer, Stalzer, and Steele and Senators Novstrup (Al), Begalka, Heineman (Phyllis), Hunhoff (Jean), Jensen, Kirkeby, Lederman, Maher, Omdahl, Rampelberg, and Rhoden

1 FOR AN ACT ENTITLED, An Act to provide that no entity that places children for adoption
2 or performs abortions may be registered as a pregnancy help center.

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

4 Section 1. That subdivision (1) of § 34-23A-53 be amended to read as follows:

5 (1) "Pregnancy help center," any entity whether it be a form of corporation, partnership,
6 or proprietorship, whether it is for profit, or nonprofit, that has as one of its principal
7 missions to provide education, counseling, and other assistance to help a pregnant
8 mother maintain her relationship with her unborn child and care for her unborn child,
9 which entity has a medical director who is licensed to practice medicine in the State
10 of South Dakota, or that it has a collaborative agreement with a physician licensed
11 in South Dakota to practice medicine to whom women can be referred, which entity
12 does not perform abortions and is not affiliated with any physician or entity that
13 performs abortions, and does not now refer pregnant mothers for abortions, and has



not referred any pregnant mother for abortions for the three-year period immediately preceding July 1, 2011, which entity does not place children for adoption, and which ~~are~~ entity is in compliance with the requirements of § 34-23A-59.1;

Section 2. That § 34-23A-58 be amended to read as follows:

34-23A-58. The Department of Health shall maintain a registry of pregnancy help centers located in the State of South Dakota. The Department shall publish a list of all pregnancy help centers which submit a written request or application to be listed on the state registry of pregnancy help centers. All pregnancy help centers seeking to be listed on the registry shall be so listed without charge, if they submit an affidavit that certifies that:

- (1) The pregnancy help center has a facility or office in the State of South Dakota in which it routinely consults with women for the purpose of helping them keep their relationship with their unborn children;
- (2) That one of its principal missions is to educate, counsel, and otherwise assist women to help them maintain their relationship with their unborn children;
- (3) That they do not perform abortions at their facility, and have no affiliation with any organization or physician which performs abortions;
- (4) That they do not now refer pregnant women for abortions, and have not referred any pregnant women for an abortion at any time in the three years immediately preceding July 1, 2011;
- (5) That they have a medical director licensed by South Dakota to practice medicine or that they have a collaborative agreement with a physician licensed in South Dakota to practice medicine to whom women can be referred;
- (6) That they shall provide the counseling and interviews described in §§ 34-23A-53 to 34-23A-62, inclusive, upon request by pregnant mothers; ~~and~~

(7) That they shall comply with the provisions of § 34-23A-59 as it relates to discussion of religious beliefs; and

(8) That they do not place children for adoption.

For purposes of placing the name of a pregnancy help center on the state registry of pregnancy help centers maintained by the Department of Health, it is irrelevant whether the pregnancy help center is secular or faith based. The Department of Health shall immediately provide a copy of the registry of pregnancy health centers to all physicians, facilities, and entities that request it. The registry shall be regularly updated by the Department of Health in order to include a current list of pregnancy help centers and shall forward all updated lists to all physicians, facilities, and entities that previously requested the list. The Department of Health shall accept written requests or applications to be placed on the state registry of pregnancy help centers from pregnancy help centers after enactment but prior to July 1, 2011.

Section 3. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

Prior to adding an entity to the registry of pregnancy help centers, the department shall cross-reference the state's records to ensure that the entity is not licensed to place children for adoption or licensed to perform abortions. The department may not list on the registry any entity which is licensed to place children for adoption or which is licensed to perform abortions. The department shall cross-reference the state's records at least once each calendar year to ensure that any pregnancy help center already on the registry of pregnancy help centers has not been licensed to place children for adoption or licensed to perform abortions. If a pregnancy help center on the registry is so licensed, the department shall remove that pregnancy help center from the registry. Each year, commencing in 2015, each pregnancy help center listed on the state registry maintained by the department shall, by January twentieth, provide the department with

1 a list of licensed persons who may provide the counseling at the pregnancy help center in
2 compliance with §§ 34-23A-58.1, 34-23A-58.2, and 34-23A-58.3. If a pregnancy help center
3 fails to provide such list by January twentieth in any particular year, the department shall issue
4 a notice to the pregnancy help center that if it fails to provide such list of licensed persons within
5 ninety days of the receipt of such notice, the department will remove the pregnancy help center
6 from the registry of pregnancy help centers authorized to provide the counseling required by
7 §§ 34-23A-53 to 34-23A-61, inclusive, and described under § 34-23A-59. The department shall
8 cross-reference the state's records to confirm that the licensed persons listed by the pregnancy
9 help center maintain a current license. The department may inquire of any licensed persons
10 listed by a registered pregnancy help center to confirm that they are available for the counseling
11 required by the law. If the department determines that a pregnancy help center on the registry
12 does not have a person currently licensed to provide the required counseling, the department
13 shall notify the pregnancy help center of that determination and if the pregnancy help center
14 cannot demonstrate that it has a licensed person to provide the counseling consistent with the
15 law, the department shall remove the pregnancy help center from the registry. If a pregnancy
16 help center is removed by the department from its registry pursuant to this Act, the department
17 shall inform all physicians, facilities, and entities to whom the department provides a copy of
18 the registry of pregnancy help centers that the pregnancy help center is removed.