



## 2026 South Dakota Legislature

# House Bill 1127

Introduced by: **Representative Soye**

1 **An Act to revise provisions related to birth centers and the practice of certified**  
 2 **professional midwives at birth centers.**

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

4 **Section 1. That § 34-12-59 be AMENDED:**

5 **34-12-59.** Except as provided in § 34-12-60, no person may establish or operate  
 6 a birth center in this state without ~~an appropriate~~ a license issued under §§ 34-12-57 to  
 7 34-12-63, inclusive by the Department of Health in accordance with § 34-12-61.

8 **Section 2. That § 34-12-60 be AMENDED:**

9 **34-12-60.** The following facilities are exempt from the requirements of §§ 34-12-  
 10 57 to ~~34-12-63~~ section 5 of this Act, inclusive:

- 11 (1) A hospital licensed pursuant to this chapter; and
- 12 (2) A critical access hospital licensed pursuant to this chapter.

13 **Section 3. That § 34-12-61 be AMENDED:**

14 **34-12-61.** ~~An applicant for~~ A person seeking a birth center license shall submit an  
 15 application to the Department of Health on a form prescribed by the department. The  
 16 application ~~shall~~ must be accompanied by a nonrefundable license fee of five hundred  
 17 dollars. The department shall issue a license if, after inspection and investigation, the  
 18 department finds that the application and birth center meet the requirements of §§ 34-  
 19 12-57 to ~~34-12-63~~ section 5 of this Act, inclusive. The birth center license is renewable  
 20 annually on a form prescribed by the department.

21 **Section 4. That § 34-12-63 be AMENDED:**

1           **34-12-63.** A birth center shall adopt, implement, and enforce a written risk  
 2 assessment system that conforms to the patient assessment protocols established  
 3 pursuant to § 34-12-62. ~~A birth center~~ A practitioner shall perform the risk assessment of  
 4 a potential client prior to accepting the client for admission and ~~shall only~~ may admit only  
 5 a client ~~that~~ who has been assessed to have a low-risk pregnancy. ~~A birth center client~~  
 6 practitioner shall ~~be continually assessed~~ assess a client to identify if her condition  
 7 deviates from a low-risk pregnancy at any time during the pregnancy, delivery, or  
 8 postpartum period. At least one practitioner or registered nurse must be on duty in the  
 9 birth center at all times if a client is in active labor. ~~The birth center practitioner~~ shall refer  
 10 or transfer the client to a physician or hospital in accordance with the standards  
 11 established pursuant to § 34-12-62.

12           Any licensed practical nurse or other nursing personnel involved in client care must  
 13 be under the direct supervision of a practitioner or registered nurse licensed in accordance  
 14 with chapter 36-9.

15           For purposes of this section, "practitioner" means a:

- 16           (1) Physician licensed in accordance with chapter 36-4;  
 17           (2) Certified nurse midwife authorized to practice nurse midwifery as provided in  
 18           chapter 36-9A; or  
 19           (3) Certified professional midwife licensed in accordance with chapter 36-9C.

20           **Section 5. That a NEW SECTION be added to chapter 34-12:**

21           A birth center must have a written plan for each client that:

- 22           (1) Addresses the client's medical, physical, mental, and emotional needs;  
 23           (2) Is based on a physical examination of the client and an assessment of the client's  
 24           medical history upon admission; and  
 25           (3) Is approved by the client's attending practitioner, as defined § 34-12-63.

26           Each client's attending practitioner is responsible for documenting orders and  
 27 progress notes on the client's medical record.

28           **Section 6. That § 34-12-58 be REPEALED.**

29           ~~Any birth center shall be located within thirty minutes normal driving time of a~~  
 30 ~~hospital licensed pursuant to this chapter that provides routine birth services.~~