



## 2026 South Dakota Legislature

# House Bill 1163

Introduced by: **Representative Andera**

1 **An Act to prohibit certain persons from requiring genetic-based vaccinations.**

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

3 **Section 1. That § 34-22-18 be AMENDED:**

4 **34-22-18.** ~~Any person~~ Except as otherwise provided in this section, an individual  
 5 in the state reasonably suspected of having active tuberculosis, middle east respiratory  
 6 syndrome ~~(MERS)~~, severe acute respiratory syndrome ~~(SARS)~~, smallpox, or viral  
 7 hemorrhagic fevers, or any disease or condition ~~which that~~ is the subject of a declared  
 8 public health emergency pursuant to § 34-22-42, shall accept a necessary diagnosis or  
 9 treatment, or both. ~~Any person~~ individual who intentionally refuses to accept the diagnosis  
 10 or treatment, or both, or who fails to follow the reasonable and necessary directives of  
 11 the department issued for the protection of other ~~persons~~ individuals, is guilty of a Class  
 12 1 misdemeanor.

13 An individual may not be required to receive a genetic-based vaccination, as  
 14 defined in section 2 of this Act, for treatment of a disease or condition that is the subject  
 15 of a declared public health emergency.

16 **Section 2. That a NEW SECTION be added to title 34:**

17 For the purpose of sections 3 to 7, inclusive, of this Act, "genetic-based vaccination"  
 18 means a vaccination developed using messenger ribonucleic acid technology, modified  
 19 messenger ribonucleic technology, self-amplifying messenger ribonucleic technology,  
 20 deoxyribonucleic technology, or other technology that functions by utilizing, modifying, or  
 21 transferring genetic material to induce an immune response.

22 **Section 3. That a NEW SECTION be added to title 34:**

23 No public or private employer may:

1 (1) Require an individual to receive a genetic-based vaccination as a condition of  
2 employment; or

3 (2) Terminate, demote, suspend, reduce wages or benefits for, retaliate against, or  
4 take other adverse employment action that causes material harm to an employee  
5 based on whether the employee has received a genetic-based vaccination.

6 Nothing in this section prohibits an employer from taking reasonable measures to  
7 mitigate the risk of transmission and exposure of communicable diseases, including  
8 requiring the employee to wear personal protective equipment, or to work remotely or at  
9 an alternate location.

10 **Section 4. That a NEW SECTION be added to title 34:**

11 No public or private educational institution may:

12 (1) Require a student or prospective student to receive a genetic-based vaccination as  
13 a condition of enrollment; or

14 (2) Base any loss of student status, including status in a particular course or program  
15 of study, on whether the student has received a genetic-based vaccination.

16 Nothing in this section prohibits an educational institution from taking reasonable  
17 measures to mitigate the risk of transmission and exposure of communicable diseases,  
18 including requiring a student to wear personal protective equipment or to participate in  
19 educational activities remotely or at an alternate location.

20 **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 34:**

21 No public accommodation nor public service, as those terms are defined in § 20-  
22 13-1, may refuse to provide any service, product, admission to a facility, or transportation,  
23 to an individual based on whether the individual has received a genetic-based vaccination.

24 Nothing in this section prohibits a public accommodation or public service from  
25 taking reasonable measures to mitigate the risk of transmission and exposure of  
26 communicable diseases, including requiring an individual to wear personal protective  
27 equipment.

28 **Section 6. That a NEW SECTION be added to title 34:**

29 The attorney general may impose a civil penalty against a person who violates  
30 sections 3 to 5, inclusive, of this Act. The amount of the civil penalty may not exceed ten

1        thousand dollars. The attorney general shall forward any civil penalty collected under this  
2        section to the state treasurer for deposit in the general fund.

3        **Section 7. That a NEW SECTION be added to title 34:**

4        Sections 3 to 5, inclusive, of this Act do not apply to:

5        (1) The following, if compliance would result in a violation of regulations issued by the  
6        Centers for Medicare and Medicaid Services or by the Centers for Disease Control  
7        and Prevention:

8        (a) A community mental health center;

9        (b) A community services provider or community support provider, as defined  
10        in § 27B-1-17;

11        (c) A health care facility, as defined in chapter 34-12; or

12        (d) An intermediate care facility for individuals with intellectual disabilities;

13        (2) Vaccinations required for admission to school or an early childhood program, as  
14        described in § 13-28-7.1;

15        (3) Genetic-based vaccinations required by a clinical placement location, if the clinical  
16        placement location is required for continued enrollment in, or completion of, a  
17        health sciences program offered by the Board of Regents or South Dakota Board  
18        of Technical Education;

19        (4) Court-ordered genetic-based vaccinations; and

20        (5) The South Dakota National Guard.