



2026 South Dakota Legislature

Senate Bill 145

Introduced by: **Senator Pischke**

1 **An Act to revise the limitations on a municipality's power to take actions for the**
 2 **promotion of health or the suppression of disease.**

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

4 **Section 1. That § 9-32-1 be AMENDED:**

5 **9-32-1.** ~~Every~~Each municipality ~~shall have power to~~ may do what ~~may be~~ is
 6 necessary or expedient for the promotion of health or the suppression of disease, so long
 7 as, in the absence of an act of martial law having been declared, any measure so taken,
 8 including by ordinance or a resolution, does not prohibit or interfere with the free exercise
 9 of religion, abridge any person's freedom of speech, freedom of the press, or the right of
 10 the people to peaceably assemble, or the right of the people to petition the government
 11 for a redress of grievances under the First Amendment to the United States Constitution,
 12 or prohibit or interfere with activities within any person's residence or privately held
 13 business, or interfere with any person's right to bear arms under the Second Amendment
 14 to the United States Constitution.