

# 2026 South Dakota Legislature

## House Bill 1116

### AMENDMENT 1116A FOR THE INTRODUCED BILL

1 **An Act to prohibit a video streaming service from transmitting certain advertising  
2 during children's programming and provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 37-24:**

5 Terms used in section 2 of this Act mean:

6 (1) "Children's programming," any content designed ~~for an audience of~~ or suitable for  
7 individuals under the age of ~~sixteen~~ ~~fourteen~~ which is rated, or meets a rating  
8 equivalent to the following ratings:

9 (a) TV-Y, TV-Y7, TV-G, or TV-PG, as set forth by the TV Parental Guidelines  
10 Monitoring Board; or

11 (b) G or PG, as set forth by the Motion Picture Association; and

12 (2) "Video streaming service," an entity that makes either of the following available  
13 directly to the consumer through a distribution method utilizing internet protocol:

14 (a) Video programming considered comparable to programming provided by a  
15 television broadcast station; or

16 (b) Video content the service makes available for users to view.

17 The term does not include a television broadcast station, cable operator, or other  
18 multichannel video programming distributor, or an entity that serves video  
19 programming or video content without commercial advertisements.

20 **Section 2. That a NEW SECTION be added to chapter 37-24:**

21 A video streaming service may not transmit during any children's programming  
22 any commercial advertisement that discusses, promotes, or contains imagery related to:

23 (1) Abortion;

24 (2) Alcohol;

25 (3) Drugs or pharmaceutical products;

- 1        (4)    Gambling;
- 2        (5)    Gender~~identity~~; transition; or
- 3        (6)    Nicotine products~~;~~or
- 4        (7)    ~~Sexual behavior~~

5        **Section 3. That a NEW SECTION be added to chapter 37-24:**

6            The attorney general may impose a civil penalty against a video streaming service  
7            for violating section 2 of this Act. The amount of the civil penalty may not exceed five  
8            thousand dollars. The attorney general shall forward any civil penalty collected under this  
9            section to the state treasurer, for deposit in the general fund.