

2026 South Dakota Legislature

House Bill 1116**AMENDMENT 1116A
FOR THE INTRODUCED BILL**

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

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

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

Terms used in section 2 of this Act mean:

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

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

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

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

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

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

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

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

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

(1) Abortion;

(2) Alcohol;

(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.