



2026 South Dakota Legislature

Senate Bill 153

Introduced by: **Senator Grove**

1 **An Act to prohibit certain restrictions in employment contracts for community**
 2 **services providers.**

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

4 **Section 1. That § 53-9-11.2 be AMENDED:**

5 **53-9-11.2.** Notwithstanding § 53-9-11, a provision of a contract, entered into on
 6 or after July 1, 2023, is voidable if it restricts a practitioner, as defined in § 53-9-11.1,
 7 from practicing or otherwise providing professional services in accordance with the
 8 applicable scope of practice, after the conclusion of the practitioner's employment or after
 9 the dissolution of a partnership or other form of professional relationship.

10 Notwithstanding § 53-9-11, a provision of a contract, entered into on or after July
 11 1, 2026, is voidable if it restricts a community services provider, as defined in § 27B-1-
 12 17, from employment in or otherwise providing services to individuals with developmental
 13 disabilities, after the conclusion of the provider's employment or after the dissolution of a
 14 partnership or other form of contractual relationship.

15 This section does not apply to any contractual provision that:

- 16 (1) Is effective upon the sale of a practice or interest in a practice; or
 17 (2) Restricts a practitioner or community services provider from soliciting current
 18 patients or clients of the former employer, partnership, or other professional
 19 relationship, provided the solicitation complies with the geographic and temporal
 20 limitations as referenced in § 53-9-11.

21 The term, soliciting, as used in this section, means a targeted affirmative act,
 22 directed toward any patient or client of the practitioner's or community services provider's
 23 former employer, partnership, or other professional relationship, for the purpose of
 24 convincing the patient or client to transfer the patient or client's care or business to the
 25 practitioner or community services provider, or to the practitioner's or community services
 26 provider's new employer, partner, or professional relationship.