

2026 South Dakota Legislature

House Bill 1116

AMENDMENT 1116B 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:

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, ~~satellite~~
18 ~~television operator or its affiliates,~~ or other multichannel video programming
19 distributor, or an entity that serves video programming or video content without
20 commercial advertisements.

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

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

24 (1) Abortion;

25 (2) Alcohol;

- 1 (3) Drugs or pharmaceutical products;
- 2 (4) Gambling;
- 3 (5) Genderidentity; transition; or
- 4 (6) Nicotine products; or
- 5 (7) Sexual behavior.

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

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