



## 2026 South Dakota Legislature

# House Bill 1274

Introduced by: **Representative** Soye

1 **An Act to restrict the delivery of an abortion-inducing medicine, drug, or substance**  
2 **into this state and provide a criminal and a civil penalty therefor, and provide**  
3 **a civil action for the wrongful death of an unborn child.**

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

5 **Section 1. That a NEW SECTION be added to chapter 21-5:**

6 Except as otherwise provided in this section, the following persons may bring an  
7 action for the wrongful death of an unborn child against any person who prescribed for,  
8 procured for, or administered to any pregnant female, any abortion-inducing medicine,  
9 drug, or substance, in violation of § 22-17-5.1:

- 10 (1) The pregnant female;  
11 (2) The father of the unborn child;  
12 (3) The maternal grandparent of the unborn child, if the pregnant female is under the  
13 age of eighteen;  
14 (4) Any other person harmed by the death of the unborn child; and  
15 (5) The estate of the pregnant female, if the pregnant female died as a result of taking  
16 the abortion-inducing medicine, drug, or substance.

17 A person listed in subdivision (2), (3), or (4) of this section may not bring an action  
18 for the wrongful death of the unborn child, if the person aided or abetted in the  
19 prescription, procurement, or administration of the abortion-inducing medicine, drug or  
20 substance.

21 A pregnant female is not liable under this section for prescribing, procuring, or  
22 administering any abortion-inducing medicine, drug, or substance for her own abortion.

23 To maintain a cause of action under this section, the person bringing the action  
24 must prove by a preponderance of the evidence that the person suffered direct or indirect  
25 harm as a result of the violation of § 22-17-5.1. No action may be maintained if the

1 female's pregnancy resulted from the criminal conduct of the individual bringing the  
2 action.

3 A person who prevails in an action under this section is entitled to compensatory  
4 and punitive damages, costs, and reasonable attorney fees.

5 Notwithstanding any other provision of law, an individual shall commence an action  
6 under this section no later than three years after the date on which the alleged harm  
7 occurred. An action may be maintained under this section whether or not the person  
8 alleged to have violated § 22-17-5.1 is charged or convicted of the alleged crime.

9 **Section 2. That a NEW SECTION be added to chapter 22-17:**

10 Any person who knowingly delivers or causes to be delivered into this state an  
11 abortion-inducing medicine, drug, or substance, for purposes of an unlawful abortion  
12 pursuant to § 22-17-5.1, is guilty of a Class 6 felony.

13 This section does not apply to:

14 (1) A pregnant female who delivers or causes to be delivered into this state an  
15 abortion-inducing medicine, drug, or substance for her own abortion; or

16 (2) A person who delivers or causes to be delivered into this state an abortion-inducing  
17 medicine, drug, or substance, for purposes of:

18 (a) An abortion that is, in the reasonable medical judgement of a licensed  
19 medical practitioner, necessary to preserve the life of a pregnant female;

20 or

21 (b) A procedure for the management of a miscarriage.

22 **Section 3. That a NEW SECTION be added to chapter 22-17:**

23 The attorney general may recover a civil penalty against a person for violating  
24 section 2 of this Act. The amount of the civil penalty may not exceed ten thousand dollars  
25 for each dose of the abortion-inducing medicine, drug, or substance the person delivers  
26 or causes to be delivered into the state. The clerk of court shall forward any civil penalty  
27 collected under this section to the state treasurer, for deposit in the life protection subfund,  
28 as established within the extraordinary litigation fund pursuant to § 1-33-8.11.

29 **Section 4. That a NEW SECTION be added to chapter 22-17:**

30 If the attorney general has reason to believe that a person is engaging in, has  
31 engaged in, or is about to engage in a violation of section 2 of this Act, the attorney

1 general may bring an action in the name of the state against the person to restrain the  
2 person by temporary or permanent injunction.

3 An action under this section may be brought in the circuit court for the county in  
4 which the alleged violator resides or has a place of business, or in the circuit court for  
5 Hughes County, South Dakota. The court may issue a temporary or permanent injunction  
6 to restrain and prevent any violation of section 2 of this Act.