

2026 South Dakota Legislature

House Bill 1116**AMENDMENT 1116E
FOR THE HOUSE STATE AFFAIRS ENGROSSED 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 or suitable for individuals under the age of fourteen, which is rated, or meets a rating equivalent to the following:

(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, satellite television operator or its affiliates, 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 transition; or
3 (6) Nicotine products.

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

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

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

10 If the attorney general has reason to believe that a person is engaging in, has
11 engaged in, or is about to engage in a violation of section 2 of this Act, the attorney
12 general may bring an action in the name of the state against the video streaming service
13 to restrain the video streaming service by temporary or permanent injunction.

14 An action under this section may be brought in the circuit court for the county in
15 which the streaming service is located or incorporated, or in the circuit court for Hughes
16 County, South Dakota. The court may issue a temporary or permanent injunction to
17 restrain and prevent any violation of section 2 of this Act.

18 The attorney general, if the prevailing party, may recover reasonable attorney fees
19 and costs.