Minutes: House State Affairs Friday, February 20, 2026 7:45 AM

Roll Call
Present: Rep. Bahmuller, Rep. Emery, Rep. Gosch, Rep. Hansen, Rep. Healy, Rep. Jamison, Rep. Lems, Rep. Reisch, Rep. May, Rep. Schaefbauer, Rep. Overweg, and Rep. Odenbach
Excused: Rep. Heinemann

The meeting was called to order by Representative Odenbach

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 19TH

Moved by: Overweg
Second by: Gosch
Action: Prevailed by voice vote

HB 1161 : amend provisions related to changing rooms, sleeping quarters, and restrooms.

Presented by: Representative David Kull

MOTION: AMEND HB 1161

1161C

On the previously adopted amendment (1161A), On page 1, line 4, after "Dakota:" delete "Section 1. That § 20-13-58 be AMENDED:
"
On the previously adopted amendment (1161A), On page 1, line 5, after "AMENDED:" delete "20-13-58. "
On the previously adopted amendment (1161A), On page 1, line 5, after "20-13-58. " delete "Terms used in §§ 20-13-58 to 20-13-63, inclusive, mean:
(1) "Changing room," a room or area in which an individual may be in a state of undress in the presence of others, including a multi-occupancy locker room or shower room, which is open to the public;
(2) "Female," an individual who naturally has, had, will have, or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes eggs for fertilization;
(3) "Male," an individual who naturally has, had, will have, or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes sperm for fertilization;
(4) "Restroom," a room that includes at least one toilet or urinal;
(5) "Sleeping quarters," a room that contains a bed and in which more than one individual is housed overnight;
(6) "Sex," an individual's biological sex, either male or female; and
(7) "Unisex or family room," a changing room or restroom that:
(a) Is intended for use by a single occupant, a single occupant and the occupant's caregiver, or members of the same family;
(b) Is enclosed by means of floor-to-ceiling walls; and
(c) Is accessible by means of a full door, with a secure lock that prevents entry by another individual while the room is in use."

On the previously adopted amendment (1161A), On page 2, line 3, remove the overstrikes from " multi-occupancy"
On the previously adopted amendment (1161A), On page 2, line 3, after "room," delete " multi-occupancy"
On the previously adopted amendment (1161A), On page 2, line 8, delete ", law enforcement personnel, or musical and theatrical entertainers, or to any room used entered for a governmental regulatory purpose" and insert " or law enforcement personnel acting in an official capacity"
On the previously adopted amendment (1161A), On page 2, line 17, after "official," insert " firefighter,"
On the previously adopted amendment (1161A), On page 2, line 17, after "other" delete " state or county"
On the previously adopted amendment (1161A), On page 2, line 17, after "employee" insert " of the state or a political subdivision who is"
On the previously adopted amendment (1161A), On page 2, line 21, remove the overstrikes from " or"
On the previously adopted amendment (1161A), On page 2, line 24, after "safety." delete "; or
(7) Firefighters, individuals who are actively engaged in musical, theatrical, or similar performances, or law enforcement personnel, when using changing rooms, non-public restrooms, or sleeping quarters designated for their exclusive use."

Moved by: Overweg
Second by: Lems
Action: Prevailed by voice vote

MOTION: DO PASS HB 1161 AS AMENDED

Moved by: Overweg
Second by: Jamison
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Healy, Jamison, Lems, Reisch, May, Schaefbauer, Overweg, and Odenbach

Excused: Heinemann

HB 1184 : define man and woman throughout the state and prohibit funding for anything to the contrary.

Presented by: Representative Jon Hansen
Matt Sharp, ADF Action
Proponents: Norman Woods, South Dakota Family Voice Action
Lisa Gennaro, Concerned Women for America
Linda Montgomery, Self
Opponents: Melissa McCauley, South Dakota for Equity
Ellie J. Bailey, South Dakota Advocacy Network for Women
Samantha Chapman, American Civil Liberties Union Foundation Inc

MOTION: AMEND HB 1184

1184A

On page 1, line 1, of the Introduced bill, after "state" delete " and prohibit funding for anything to the contrary"
On page 4, line 31, of the Introduced bill, after "2-14-2." delete "Section 4. That a NEW SECTION be added to chapter 2-14:
"
On page 5, line 1, of the Introduced bill, after "2-14:" delete "A state entity may not:
(1) Adopt, enforce, or give effect to any contract, guidance, interpretation, policy, or rule that conflicts with the definitions or requirements of sections 2 to 5, inclusive, of this Act; or
(2) Expend public moneys for any activity, initiative, policy, or program that is contrary to or inconsistent with the definitions of "boy," "father," "female," "girl," "male," "man," "mother," "sex," and "woman," as set forth in § 2-14-2."
On page 5, line 8, of the Introduced bill, after "2-14-2." delete "Section 5. That a NEW SECTION be added to chapter 2-14:
"
On page 5, line 9, of the Introduced bill, after "2-14:" delete "Sections 2 to 4, inclusive, of this Act must be liberally construed."

Moved by: Overweg
Second by: Gosch
Action: Prevailed by voice vote

MOTION: CALL THE QUESTION

Moved by: Emery
Second by: Lems
Action: Was not acted on.

MOTION: DO PASS HB 1184 AS AMENDED

Moved by: Overweg
Second by: Gosch
Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Jamison, Lems, Reisch, May, Schaefbauer, Overweg, and Odenbach

Voting No: Emery and Healy

Excused: Heinemann

HB 1274 : restrict the delivery of an abortion-inducing medicine, drug, or substance into this state and provide a criminal and a civil penalty therefor, and provide a civil action for the wrongful death of an unborn child.

Presented by: Representative John Hughes
Proponents: Senator Greg Blanc
Marty Jackley, SD Attorney General's Office
Ian Fury, Governor's Office
Glenn A Ridder, Self
Michael G. Pauley, South Dakota Catholic Conference
Dale Bartscher, South Dakota Right to Life
Senator John Carley
Norman Woods, South Dakota Family Voice Action

Lisa Gennaro, Concerned Women for America (Handout(s) #1)
Steven Haugaard, Self
Opponents: Justin Bell, South Dakota State Medical Association
Lindsey Riter-Rapp, South Dakota Section of the American College of Obstetricians and Gynecologists
Samantha Chapman, American Civil Liberties Union Foundation Inc

MOTION: **AMEND HB 1274**

1274C

On page 1, line 1, of the Introduced bill, delete "restrict the delivery of an abortion-inducing medicine, drug, or substance into this state and provide a criminal and a civil penalty therefor, and provide a civil action for the wrongful death of an unborn child" and insert "prohibit the dispensing, distribution, sale, or solicitation of certain articles"
On page 1, line 3, of the Introduced bill, after "child" insert " or things"
On page 1, line 3, of the Introduced bill, after "child" insert " for purposes of an unlawful abortion and provide a criminal and civil penalty therefor"
On page 1, after line 4, of the Introduced bill, insert: "
Section 1. That a NEW SECTION be added to chapter 22-17:

No person may knowingly dispense, distribute, sell, or solicit any of the following for purposes of an unlawful abortion pursuant to § 22-17-5.1:

(1) An article or thing designed, adapted, or intended for producing an abortion; or
(2) An article, instrument, substance, drug, medicine, or thing that is advertised or described in a manner calculated to lead another to use or apply it for producing an abortion.

A violation of this section is a Class 6 felony."

On page 1, after line 4, of the Introduced bill, insert: "
Section 2. That a NEW SECTION be added to chapter 22-17:

The attorney general may recover a civil penalty against a person for violating section 1 of this Act. The amount of the civil penalty may not exceed ten thousand dollars for each violation. The clerk of court shall forward any civil penalty collected under this section to the state treasurer, for deposit in the life protection subfund, as established within the extraordinary litigation fund pursuant to § 1-33-8.11.
The attorney general may recover attorney fees, costs, and any other award the court determines is appropriate."

On page 1, after line 4, of the Introduced bill, insert: "
Section 3. That a NEW SECTION be added to chapter 22-17:

If the attorney general has reason to believe that a person is engaging in, has engaged in, or is about to engage in a violation of section 1 of this Act, the attorney general may bring an action in the name of the state against the person to restrain the person by temporary or permanent injunction.
An action under this section may be brought in the circuit court for the county in which the alleged violator resides or has a place of business, or in the circuit court for Hughes County, South Dakota. The court may issue a temporary or permanent injunction to restrain and prevent any violation of section 1 of this Act.

The attorney general may recover attorney fees, costs, and any other award the court determines is appropriate."

Moved by: Overweg
Second by: Gosch
Action: Prevailed by voice vote

MOTION: AMEND HB 1274

1274D

On the previously adopted amendment (1274C), On page 1, line 4, delete " solicitation" and insert " advertisement"
On the previously adopted amendment (1274C), On page 1, line 8, delete " solicit" and insert " advertise"

Moved by: Gosch
Second by: Overweg
Action: Prevailed by voice vote

MOTION: DO PASS HB 1274 AS AMENDED

Moved by: Schaefbauer
Second by: Gosch
Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Jamison, Lems, Reisch, May, Schaefbauer, Overweg, and Odenbach

Voting No: Emery and Healy

Excused: Heinemann

MOTION: ADJOURN

Moved by: Overweg
Second by: Hansen
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ SCOTT ODENBACH
Scott Odenbach, Chair