Minutes: House State Affairs Monday, February 23, 2026 7:45 AM

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

The meeting was called to order by Representative Odenbach

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 20TH

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

HB 1225 : enhance the future of education in South Dakota.

Presented by: Representative Eric Emery

MOTION: TO TABLE HB 1225

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

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

Excused: Gosch

HB 1257 : regulate the performance and reporting of abortions necessary to preserve the life of a pregnant female and to provide a penalty therefor.

Presented by: Representative Leslie Heineman (Handout(s) #1,2)
Proponents: Kathi Aultman, MD FACOG, Charlotte Lozier Institute
Michael G. Pauley, South Dakota Catholic Conference
Dale Allen Bartscher, South Dakota Right to Life
Ian Fury, Governor's Office
Lisa Gennaro, Concerned Women for America
Norman Woods, South Dakota Family Voice Action
Opponents: Ellie J. Bailey, South Dakota Section of the American College of Obstetricians and Gynecologists
Justin Bell, South Dakota State Medical Association
Samantha Chapman, American Civil Liberties Union Foundation Inc

MOTION: AMEND HB 1257

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On page 1, line 1, of the Introduced bill, delete "regulate the performance and reporting of abortions necessary to preserve the life of a pregnant female and to provide a penalty therefor" and insert " amend the definition of an abortion"
On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That chapter 22-17 be amended with a NEW SECTION:
"
On page 1, line 5, of the Introduced bill, after "SECTION:" delete "Terms used in this chapter mean:
(1) "Abortion," the act of administering, prescribing, providing, selling, or using any drug, medicine, or other substance, or providing, selling, or using any device or instrument, with the intent to terminate a clinically diagnosable pregnancy, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child, provided the term does not include:
(a) Medical treatment that is provided to a pregnant female and results in the accidental or unintentional death of the unborn child;
(b) Treatment to resolve a miscarriage;
(c) The treatment or removal of an ectopic pregnancy;
(d) The removal from the uterus of a deceased unborn child; or
(e) Any medical procedure performed for the purpose of saving the life or preserving the health of the unborn child;
(2) "Ectopic pregnancy," the implantation of an embryo outside the uterus, in an abnormal location in the uterus, or in a scarred portion of the uterus;
(3) "Miscarriage," the spontaneous loss of a pregnancy, including the circumstances of an inevitable miscarriage, an incomplete miscarriage, a missed miscarriage, and a septic miscarriage;
(4) "Pregnant", the human female reproductive condition of having a living unborn child within the female's body, throughout every stage of the unborn child's life and development, from fertilization to full gestation and childbirth;
(5) "Reasonable medical judgment," a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical condition involved; and
(6) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth."
On page 2, line 7, of the Introduced bill, remove the overstrikes from "administers to any pregnant female or who prescribes or procures for any pregnant female any medicine, drug, or substance or uses or employs any instrument or other means with intent thereby to procure"
On page 2, line 9, of the Introduced bill, after "procure" delete " commits"
On page 2, line 9, of the Introduced bill, delete " is guilty of a Class 6 felony" and insert ", as defined in § 34-23A-1"
On page 2, line 10, of the Introduced bill, remove the overstrikes from "there is appropriate and"
On page 2, line 10, of the Introduced bill, after "and" delete " in the"
On page 2, line 11, of the Introduced bill, remove the overstrikes from " that performance"
On page 2, line 11, of the Introduced bill, after "an" delete " attending physician an"
On page 2, line 12, of the Introduced bill, remove the overstrikes from ", is guilty of a Class 6 felony"
On page 2, line 13, of the Introduced bill, after "felony." delete "Section 3. That a NEW SECTION be added to chapter 22-17:
"
On page 2, line 14, of the Introduced bill, after "22-17:" delete "For an abortion to be justified as necessary to preserve the life of a pregnant female, as set forth in § 22-17-5. 1,

the attending physician, exercising reasonable medical judgment, must determine that the female suffers from a physical disorder, physical illness, or physical injury, including a life-endangering physical condition arising from the pregnancy itself, and that the disorder, illness, or injury places the pregnant female at a reasonably foreseeable risk of death, unless an abortion is performed. Nothing in this section requires that the risk of death be imminent.
The attending physician, exercising reasonable medical judgement, shall make reasonable efforts, under the circumstances, to preserve both the life of the pregnant female and the life of her unborn child, unless in reasonable medical judgment, the termination of the pregnancy in that manner would pose a greater risk of death of the pregnant female.
An abortion justified under this section must take place at a hospital licensed pursuant to chapter 34-12, unless, due to a medical emergency, it is necessary to perform the abortion in another location. The person performing or inducing the abortion must be a licensed physician.
The physician performing or inducing the abortion shall report the abortion to the Department of Health in accordance with the requirements set forth in chapter 34-23A.
An abortion may not be construed as necessary to preserve the life of the pregnant female if:
(1) The abortion is based on the physician's belief that the female may or will take action to harm herself; or
(2) The abortion is based on a claim or diagnosis that relates to a psychological or emotional condition of the pregnant female."
On page 3, line 5, of the Introduced bill, after "female." delete "Section 4. That § 22-17-6 be AMENDED:
"
On page 3, line 6, of the Introduced bill, after "AMENDED:" delete "22-17-6. "
On page 3, line 6, of the Introduced bill, after "22-17-6. " delete "Any person who intentionally kills a human fetus an unborn child by causing an injury to its the child's mother, which is not authorized by chapter 34-23A, is guilty of a Class 4 felony."
On page 3, line 9, of the Introduced bill, after "felony." delete "Section 5. That § 22-17-13 be AMENDED:
"
On page 3, line 10, of the Introduced bill, after "AMENDED:" delete "22-17-13. "
On page 3, line 10, of the Introduced bill, after "22-17-13. " delete "A person is guilty of a Class B felony if, with the intent to cause a pregnant mother to undergo an abortion against her will, the person:
(1) Threatens With the intent to cause a pregnant mother to undergo an abortion against her will, the person threatens to commit, against the pregnant mother or any other person within the pregnant mother's presence:
(a) Homicide, murder, or manslaughter, under chapter 22-16;
(b) Aggravated assault, under § 22-18-1. 1; or
(c) Kidnapping, under chapter 22-19; and
(2) The threat, as described in subdivision (1) of this section, results in the death of the unborn human being, as defined under § 34-23A-1 child.
A charge brought under this section may be commenced at any time prior to the time the victim attains age twenty-five or within seven years of the commission of the crime, whichever is longer."
On page 3, line 25, of the Introduced bill, remove the overstrikes from "intentional termination of the life of a human being in the uterus"
On page 3, line 25, of the Introduced bill, after "uterus" delete " act of administering, prescribing, providing, selling, or using any drug, medicine, or other substance, or providing, selling, or using any device or instrument, with the intent to terminate the clinically diagnosable pregnancy, including the elimination of one or more unborn children in

a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child"
On page 4, line 10, of the Introduced bill, after "Health;" delete "(1C) "Ectopic pregnancy," the implantation of an embryo outside the uterus, in an abnormal location in the uterus, or in a scarred portion of the uterus;
"
On page 4, line 24, of the Introduced bill, after "pregnancy" delete ", including the circumstances of an inevitable miscarriage, an incomplete miscarriage, a missed miscarriage, and a septic miscarriage"
On page 4, line 32, of the Introduced bill, delete "(9) "Pregnant", the human female reproductive condition of having a living unborn child within the female's body, throughout every stage of the unborn child's life and development, from fertilization to full gestation and childbirth;" and insert " and"
On page 5, line 1, of the Introduced bill, delete "(10)" and insert "(9)"
On page 5, line 3, of the Introduced bill, after "performed" delete the semicolon
On page 5, line 4, of the Introduced bill, after "performed;" delete "(11) "Reasonable medical judgment," a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical condition involved; and
(12) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth"
On page 5, line 9, of the Introduced bill, after "birth." delete "Section 7. That a NEW SECTION be added to chapter 34-23A:
"
On page 5, line 10, of the Introduced bill, after "34-23A:" delete "A physician who performs or induces an abortion for the purpose of preserving the life of a pregnant female, as set forth in § 22-17-5. 1 and section 3 of this Act, shall prepare a document:
(1) Attesting that the abortion was necessitated by the pregnant female's medical condition;
(2) Setting forth the data supporting the determination that the procedure was necessary; and
(3) Attesting that all reasonable efforts were made to preserve both the life of the pregnant female and the life of her unborn child, as set forth in section 3 of this Act.
The document required under this section must be placed in the medical record of the female patient no later than thirty days after the date of the procedure or after the date on which the abortion-inducing drug, medicine, or substance was prescribed for or provided to the pregnant female."

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

MOTION: DO PASS HB 1257 AS AMENDED

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

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

Voting No: Emery and Healy

Excused: Gosch

Representative Odenbach, Chair, passed the gavel to Representative Overweg, Vice Chair.

HB 1302 : address issues facing South Dakota.

Presented by: Representative Scott Odenbach

MOTION: DO PASS HB 1302

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

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

Voting No: Emery and Healy

Excused: Gosch

HB 1303 : promote the future success and development of South Dakota.

Presented by: Representative Scott Odenbach

MOTION: DO PASS HB 1303

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

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

Voting No: Emery and Healy

Excused: Gosch

SB 30 : amend the reasons for challenging an individual's eligibility to vote.

Presented by: Christine Lehrkamp, Secretary of State
Opponents: Melissa McCauley, South Dakota Voices for Justice
Sandra Anzua Fischer, Self
Taneeza Islam, Self
Jamie Lennon, Self
Others: Tom Deadrick, Secretary of State

MOTION: DO PASS SB 30

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

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

Voting No: Emery and Healy

Excused: Gosch

Representative Overweg, Vice Chair, passed the gavel to Representative Odenbach, Chair.

SB 31 : permit the use of a confirmation letter to verify a voter's registration.

Presented by: Christine Lehrkamp, Secretary of State
Proponents: Rick Weible, Self

MOTION: DO PASS SB 31

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

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

Voting No: Emery and Healy

Excused: Gosch

MOTION: ADJOURN

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

Pam Kean, Committee Secretary

/s/ SCOTT ODENBACH
Scott Odenbach, Chair