

2026 South Dakota Legislature

House Bill 1274**AMENDMENT 1274D
FOR THE INTRODUCED BILL**

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~~prohibit the dispensing,
4 distribution, sale, or ~~solicitation advertisement~~ of certain articles or things
5 for purposes of an unlawful abortion and provide a criminal and civil penalty
6 therefor.

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

8 **Section 1. That a NEW SECTION be added to chapter 22-17:**

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

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

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

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

17 The attorney general may recover a civil penalty against a person for violating
18 section 1 of this Act. The amount of the civil penalty may not exceed ten thousand dollars
19 for each violation. The clerk of court shall forward any civil penalty collected under this
20 section to the state treasurer, for deposit in the life protection subfund, as established
21 within the extraordinary litigation fund pursuant to § 1-33-8.11.

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

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

1 If the attorney general has reason to believe that a person is engaging in, has
2 engaged in, or is about to engage in a violation of section 1 of this Act, the attorney
3 general may bring an action in the name of the state against the person to restrain the
4 person by temporary or permanent injunction.

5 An action under this section may be brought in the circuit court for the county in
6 which the alleged violator resides or has a place of business, or in the circuit court for
7 Hughes County, South Dakota. The court may issue a temporary or permanent injunction
8 to restrain and prevent any violation of section 1 of this Act.

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