



2026 South Dakota Legislature

House Bill 1257

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative** Soye

1 **An Act to amend the definition of an abortion.**

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

3 **Section 1. That § 22-17-5.1 be AMENDED:**

4 **22-17-5.1.** Any person who administers to any pregnant female or who prescribes
 5 or procures for any pregnant female any medicine, drug, or substance or uses or employs
 6 any instrument or other means with intent thereby to procure an abortion, as defined in
 7 § 34-23A-1, unless there is appropriate and reasonable medical judgment that
 8 performance of an abortion is necessary to preserve the life of the pregnant female, is
 9 guilty of a Class 6 felony.

10 **Section 2. That § 34-23A-1 be AMENDED:**

11 **34-23A-1.** Terms used in this chapter mean:

- 12 (1) "Abortion," the intentional termination of the life of a human being in the uterus,
 13 provided the term does not include:
- 14 (a) Medical treatment that is provided to a pregnant female and results in the
 15 accidental or unintentional death of the unborn child;
 - 16 (b) Treatment to resolve a miscarriage;
 - 17 (c) The treatment or removal of an ectopic pregnancy;
 - 18 (d) The removal from the uterus of a deceased unborn child; or
 - 19 (e) Any medical procedure performed for the purpose of saving the life or
 20 preserving the health of the unborn child;
- 21 (1A) "Abortion facility," a place where abortions are performed;
- 22 (1B) "Department," the South Dakota Department of Health;
- 23 (2) "Fetus," the biological offspring, including the implanted embryo or unborn child,
 24 of human parents;

- 1 (3) "Fertilization," that point in time when a male human sperm penetrates the zona
2 pellucida of a female human ovum;
- 3 (4) "Human being," an individual living member of the species of Homo sapiens,
4 including the unborn human being during the entire embryonic and fetal ages from
5 fertilization to full gestation;
- 6 (5) "Medical emergency," any condition which, on the basis of the physician's good
7 faith clinical judgment, so complicates the medical condition of a pregnant woman
8 as to necessitate the immediate abortion of her pregnancy to avert her death or
9 for which a delay will create serious risk of substantial and irreversible impairment
10 of a major bodily function;
- 11 (6) "Miscarriage," the spontaneous loss of a pregnancy;
- 12 (7) "Parent," one parent or guardian of the pregnant minor or the guardian or
13 conservator of the pregnant woman;
- 14 ~~(7)~~(8) "Physician," a person licensed under the provisions of chapter 36-4 or a physician
15 practicing medicine or osteopathy in the employ of the government of the United
16 States or of this state; and
- 17 ~~(8)~~(9) "Probable gestational age of the unborn child," ~~what, that which~~ in the judgment
18 of the physician, will, with reasonable probability, be the gestational age of the
19 unborn child at the time the abortion is planned to be performed.