Ho#3 Justin Bell HB 1274

2026 South Dakota Legislature

House Bill 1274

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: ***Representative*** *Hughes*

An Act to prohibit the dispensing, distribution, sale, or advertisement of certain articles or things for purposes of an unlawful abortion and provide a criminal and civil penalty therefor.

Be it enacted by the Legislature of the State of South Dakota:

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

No person may knowingly dispense, distribute, sell, or advertise 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.

A person may not be held criminally liable under this section for dispensing, distributing, selling or advertising the forgoing to a health care facility licensed by SDCL 34-12-1.1 or a healthcare professional licensed pursuant to SDCL Title 36.

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.

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.

Section 4. That § 22-17-5.2 be AMENDED:

A female who undergoes an unlawful abortion, as set forth in § 22-17-5.1, may not be held criminally liable for the abortion or pursuant to this Act.