



2026 South Dakota Legislature

House Bill 1274

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Hughes**

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

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

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

6 **22-17-5.1.** Any person who administers to any ~~pregnant female~~ person or who
 7 prescribes or procures for any ~~pregnant female~~ person any medicine, drug, or substance
 8 or uses or employs any instrument or other means with intent thereby to procure an
 9 abortion, unless there is appropriate and reasonable medical judgment that performance
 10 of an abortion is necessary to preserve the life of the pregnant female, is guilty of a Class
 11 6 felony.

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

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

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

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

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

21 The attorney general may recover a civil penalty against a person for violating
 22 section 2 of this Act. The amount of the civil penalty may not exceed ten thousand dollars
 23 for each violation. The clerk of court shall forward any civil penalty collected under this

1 section to the state treasurer, for deposit in the life protection subfund, as established
2 within the extraordinary litigation fund pursuant to § 1-33-8.11.

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

5 **Section 4. That a NEW SECTION be added to chapter 22-17:**

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

10 An action under this section may be brought in the circuit court for the county in
11 which the alleged violator resides or has a place of business, or in the circuit court for
12 Hughes County, South Dakota. The court may issue a temporary or permanent injunction
13 to restrain and prevent any violation of section 2 of this Act.

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