



2026 South Dakota Legislature
House Bill 1274
ENROLLED

AN ACT

ENTITLED 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 § 22-17-5.1 be AMENDED:

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

Section 2. 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.

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

The attorney general may recover a civil penalty against a person for violating section 2 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 4. 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 2 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 2 of this Act.

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

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.

I certify that the attached Act originated in the:
House as Bill No. 1274

Received at this Executive Office this ____ day of _____, 2026 at _____ M.

Chief Clerk of the House

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1274
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State