

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

229V0393

SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1162** - 03/05/2014

Introduced by: Representatives Haggar (Jenna), Anderson, Bolin, Cammack, Campbell, Craig, Cronin, Ecklund, Feickert, Gosch, Greenfield, Haggar (Don), Heinemann (Leslie), Hickey, Hoffman, Kaiser, Kopp, Langer, Latterell, Magstadt, Nelson, Novstrup (David), Olson (Betty), Peterson, Qualm, Rasmussen, Ring, Rounds, Schaefer, Schoenfish, Solum, Stalzer, Steele, Tulson, Tyler, Verchio, and Wick and Senators Rhoden, Begalka, Brown, Heineman (Phyllis), Holien, Hunhoff (Jean), Jones (Chuck), Kirkeby, Krebs, Lederman, Lucas, Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Rampelberg, Rave, and Solano

1 FOR AN ACT ENTITLED, An Act to prohibit the practice of sex-selective abortions, to
2 establish certain procedures to better ensure that sex-selective abortions are not practiced
3 in South Dakota, and to provide penalties therefor.

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

5 Section 1. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 Terms as used in this Act mean:

- 8 (1) "Sex-selective abortion," the performance of an abortion with knowledge that the
9 pregnant mother is seeking the abortion due to the sex of the unborn child;
- 10 (2) "Sex-determining test," any scientific test that is capable of determining the sex of
11 an unborn child.



1 Section 2. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
2 as follows:

3 No person may knowingly or in reckless disregard perform or attempt to perform a sex-
4 selective abortion. A violation of this section is a Class 6 felony. No penalty may be assessed
5 against the pregnant mother upon whom the abortion is performed or attempted to be performed.

6 Section 3. That § 34-23A-56 be amended by adding thereto a NEW SUBDIVISION to read
7 as follows:

8 Inquire into whether the pregnant mother knows the sex of her unborn child and if
9 so, whether the mother is seeking an abortion due to the sex of the unborn child.

10 Section 4. That § 34-23A-10.1 be amended by adding thereto a NEW SUBDIVISION to
11 read as follows:

12 A written statement that sex-selective abortions are illegal in the state of South Dakota and
13 that a pregnant mother cannot have an abortion, either solely or partly, due to the unborn child's
14 sex, regardless of whether that unborn child is a girl or a boy or whether it is of the pregnant
15 mother's free will or the result of the use of pressure and coercion.

16 Section 5. That § 34-23A-34 be amended by adding thereto a NEW SUBDIVISION to read
17 as follows:

18 The sex of the unborn child and the following information:

- 19 (a) Whether the pregnant mother used a sex-determining test;
- 20 (b) What type of sex-determining test the pregnant mother used; and
- 21 (c) The approximate gestational age of the unborn child, in weeks, when the test
22 was taken.

23 Section 6. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
24 as follows:

1 Nothing in this Act repeals, by implication or otherwise, any provision not explicitly
2 repealed.

3 Section 7. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 If a part of this Act is invalid, all valid parts that are severable from the invalid part remain
6 in effect. If a part of this Act is invalid in one or more of its applications, the part remains in
7 effect in all valid applications that are severable from the invalid applications.