

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

337B0011

SENATE BILL NO. 6

Introduced by: Senators Nelson, Jensen (Phil), Monroe, and Russell and Representatives Howard, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Livermont, Marty, Mulally, Peterson (Sue), Pischke, and Wiese

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sonogram and heart
2 auscultation prior to an abortion.

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

4 Section 1. That § 34-23A-52 be amended to read:

5 34-23A-52. ~~No facility that performs abortions~~ A physician may not perform an abortion on
6 a pregnant woman without first offering the pregnant woman an opportunity to view a
7 displaying the sonogram images of her the pregnant woman's unborn child in a quality
8 consistent with current medical practice and in a manner that the pregnant woman may view the
9 images. The physician who is to perform the abortion shall provide a verbal explanation of the
10 sonogram images, in a manner understandable to a layperson, and include a medical description
11 of the dimensions of the unborn child, the presence of cardiac activity, and the presence of
12 external members and internal organs.

13 A physician may not perform an abortion on a pregnant woman without first making audible
14 and in a quality consistent with current medical practice the heart auscultation, if present, of the



1 pregnant woman's unborn child. The physician who is to perform the abortion shall provide a
2 verbal explanation of the heart auscultation in a manner understandable to a layperson. The
3 pregnant woman's response to the offer choice not to receive any verbal explanation under this
4 section shall be documented by the abortion facility, including the date and, time of the offer,
5 and the woman's signature attesting to her informed decision choice.

6 Section 2. That § 34-23A-37 be amended to read:

7 34-23A-37. The Department of Health shall prepare a reporting form for physicians ~~which~~
8 that shall provide for the collection of the following information:

- 9 (1) The number of females to whom the physician provided the information described
10 in subdivision 34-23A-10.1(1); of that number, the number provided by telephone
11 and the number provided in person; and of each of those numbers, the number
12 provided in the capacity of a referring physician and the number provided in the
13 capacity of a physician who is to perform the abortion;
- 14 (2) The number of females to whom the physician provided the information described
15 in subdivision 34-23A-10.1(2); of that number, the number provided by telephone
16 and the number provided in person; of each of those numbers, the number provided
17 in the capacity of a referring physician and the number provided in the capacity of a
18 physician who is to perform the abortion; and of each of those numbers, the number
19 provided by the physician and the number provided by an agent of the physician;
- 20 (3) The number of females who availed themselves of the opportunity to obtain a copy
21 of the printed information described in § 34-23A-10.3, and the number who did not;
22 and of each of those numbers, the number who, to the best of the reporting
23 physician's information and belief, went on to obtain the abortion;
- 24 ~~(3A)~~(4) The number of females who ~~availed themselves of the opportunity~~ chose to view

1 a sonogram images and receive a verbal explanation of the sonogram images of her
2 their unborn child pursuant to § 34-23A-52, and the number who did not; and of each
3 of those numbers, the number who, to the best of the reporting physician's
4 information and belief, went on to obtain the abortion;

5 ~~(4)~~(5) The number of abortions performed by the physician in which information otherwise
6 required to be provided at least twenty-four hours before the abortion was not
7 provided because an immediate abortion was necessary to avert the female's death,
8 and the number of abortions in which such information was not so provided because
9 a delay would create serious risk of substantial and irreversible impairment of a
10 major bodily function;

11 ~~(5)~~(6) The name of the hospital or physician office;

12 ~~(6)~~(7) The ~~date of report~~ by month, day, and year of the report; and

13 ~~(7)~~(8) A unique patient number that can be used to link the report under this section to the
14 medical report for inspection, clarification, and correction purposes but that cannot,
15 of itself, reasonably lead to the identification of any person obtaining an abortion.