

Committee: Senate Health and Human Services

Monday, February 10, 2020 10:00 AM

Roll Call

Present: Sen. Duhamel, Sen. Phil Jensen, Sen. Rusch, Sen. Russell, Sen. Foster,  
Sen. Steinhauer, and Sen. Soholt

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Soholt**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 07<sup>TH</sup>**

Moved by: Phil Jensen  
Second by: Duhamel  
Action: Prevailed by voice vote

**MOTION: AMEND HB 1057**

1057P

On page 1, line 1, of the House State Affairs bill, after "children" delete " and provide a penalty therefor"

On page 1, line 5, of the House State Affairs bill, delete "and 26-10-38 " and insert "to 26-10-39, inclusive, "

On page 1, line 13, of the House State Affairs bill, delete "26-10-38" and insert "26-10-39"

On page 1, line 13, of the House State Affairs bill, delete "who engages in any of the " and insert "may not engage in the "

On page 1, line 16, of the House State Affairs bill, after "sex" delete ", is guilty of a Class 1 misdemeanor"

On page 2, line 2, of the House State Affairs bill, after "tissue." insert "

**Section 3.** That a NEW SECTION be added:

26-10-38. Claim for relief—Actions through parent or next friend—Actions upon reaching age of majority.

Any person injured by practices prohibited under § 26-10-37 may bring a claim to obtain injunctive relief, compensatory and special damages, and any other relief available under law against any person who committed the violation. Minors injured by practices prohibited under § 26-10-37 may bring an action during their minority through a parent or next friend and may bring an action in their own name upon reaching the age of majority until the age of thirty-eight.

"

On page 2, line 3, of the House State Affairs bill, delete "26-10-38" and insert "26-10-39"

Moved by: Russell  
Second by: Steinhauer  
Action: Prevailed by voice vote

**HB 1057 : prohibit certain acts against children and provide a penalty therefor.**

Presented by: Representative Fred Deutsch (Handout(s) #1)

Proponents: Scott Newgent, self, Texas (via telephone)  
Lisa Gennaro, Concerned Women for America  
Mike Laidlaw, self, California  
Don Oliver, self, Rapid City  
Glenn Ridder, self, Sioux Falls

Allen L. Hoekman, self, Watertown  
 C. Alan Hopewell, self, Texas  
 Kara Dansky, self, Washington D.C.  
 Chris Motz, SD Catholic Conference  
 Norman Woods, Family Heritage Alliance Action (Handout(s) #2)  
 Senator Brock Greenfield  
 Tamara Grove, South Dakota Family Policy Council  
 Opponents: Mitch Rave, Sanford Health (Handout(s) #3)  
 Keith Hansen, Sanford Health  
 Dean Krogman, SD Medical Association (Handout(s) #4)  
 Lindsey Riter-Rapp, South Dakota Section ACOG  
 Kristen Carter, South Dakota Pharmacists Association  
 Michaela Seiber, self, Sioux Falls  
 Karin Eagle, self, Pine Ridge  
 David Owen, South Dakota Chamber of Commerce  
 Bill Van Camp, SD Retailers Association  
 Debra Owen, Sioux Falls Chamber of Commerce  
 Candi Brings Plenty, American Civil Liberties Union  
 Lauren R. Stanley, self, Rosebud  
 Kim Parke, self, Sioux Falls  
 Quincy Parke, self, Sioux Falls  
 Dee Ereth, self, Lead  
 Senator R. Blake Curd

**MOTION: DEFER HB 1057 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Steinhauer  
 Second by: Foster  
 Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DO PASS HB 1057 AS AMENDED**

Moved by: Russell  
 Second by: Phil Jensen  
 Action: Failed by Majority Members Elect (2-5-0-0)

Voting Yes: Phil Jensen and Russell

Voting No: Duhamel, Rusch, Foster, Steinhauer, and Soholt

**Revert to previous motion**

**MOTION: DEFER HB 1057 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Steinhauer  
 Second by: Foster  
 Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Duhamel, Rusch, Foster, Steinhauer, and Soholt

Voting No: Phil Jensen and Russell

**MOTION:     **ADJOURN****

Moved by:     Steinhauer  
Second by:    Russell  
Action:        Prevailed by voice vote

Rena Ortbahn, Committee Secretary

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/s/ DEB SOHOLT  
Deb Soholt, Chair