

2020 South Dakota Legislature

House Bill 1195**AMENDMENT 1195E FOR THE SENATE STATE AFFAIRS BILL**

1 **An Act to provide ~~an affirmative defense to~~ for the dismissal of charges against**
2 **pregnant women for certain controlled substance offenses under certain**
3 **circumstances.**

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

5 **Section 1.** That a NEW SECTION be added:

6 **22-42-23. Controlled Substance--Pregnant--Assault.**

7 If a woman is charged with violating § 22-42-5 or 22-42-5.1 and she was pregnant
8 when the violation occurred, ~~it is an affirmative defense to the state shall dismiss the~~
9 charge if the woman provides proof that she:

- 10 (1) Received adequate prenatal care from a licensed health care professional during
11 her pregnancy;
12 (2) Actively enrolled in an addiction recovery program before the child was born;
13 (3) Remained in the program after delivery; and
14 (4) Successfully completed the program.