

2025 South Dakota Legislature

House Bill 1223**AMENDMENT 1223C
FOR THE INTRODUCED BILL**

1 **An Act to provide for conscience exemptions from certain**~~medical treatments~~
2 **vaccination.**

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

4 **Section 1. That § 34-22-18 be AMENDED:**

5 **34-22-18.** Any ~~person~~ individual in the state reasonably suspected of having
6 active tuberculosis, middle east respiratory syndrome ~~(MERS)~~, severe acute respiratory
7 syndrome ~~(SARS)~~, smallpox, or viral hemorrhagic fevers, or any disease or condition
8 ~~which that~~ is the subject of a declared public health emergency pursuant to § 34-22-42,
9 shall accept a necessary diagnosis or treatment, or both. Any ~~person~~ individual who
10 intentionally refuses to accept the diagnosis or treatment, or both, or who fails to follow
11 the reasonable and necessary directives of the department issued for the protection of
12 other ~~persons~~ individuals, is guilty of a Class 1 misdemeanor.

13 An individual is not required to receive ~~treatment~~ a vaccination for a disease or
14 condition that is the subject of a declared public health emergency if the individual has
15 exercised the right to a conscience exemption for the treatment, as provided in sections
16 2 to 7, inclusive, of this Act.

17 **Section 2. That a NEW SECTION be added to title 34:**

18 Terms used in sections 2 to 7, inclusive, of this Act mean:

19 (1) "Conscience," an individual's inner conviction regarding that which is right or wrong
20 in the individual's conduct;

21 (2) "Disciplinary action," either of the following:

22 (a) Termination, demotion, or any loss of employment status; or

23 (b) Any loss of student status, including status in a particular course or program
24 of study; and

25 (3) ~~"Medical treatment," any of the following:~~

- 1 ~~(a) — An injection;~~
2 ~~(b) — An invasive medical procedure;~~
3 ~~(c) — A medication; or~~
4 ~~(d) — A "Vaccination," a vaccination approved by the United States Food and Drug~~
5 ~~Administration.~~

6 **Section 3. That a NEW SECTION be added to title 34:**

7 An individual has the right to be exempt from any mandate, requirement,
8 obligation, or demand to receive a ~~medical treatment vaccination~~ on the basis that
9 receiving the ~~medical treatment vaccination~~ violates the individual's conscience. An
10 individual may exercise the right to be exempt under sections 2 to 7, inclusive, of this Act
11 orally or in writing.

12 **Section 4. That a NEW SECTION be added to title 34:**

13 No individual may be subjected to any disciplinary action as a result of the
14 individual's decision to decline receipt of a ~~medical treatment vaccination~~ on the basis of
15 conscience.

16 No state agency, political subdivision, or person may refuse to provide any service,
17 product, admission to a venue or building, or transportation to an individual because that
18 individual has or has not received a ~~medical treatment vaccination~~.

19 **Section 5. That a NEW SECTION be added to title 34:**

20 Before any state agency, political subdivision, or person attempts to mandate or
21 require that an individual receive a ~~medical treatment vaccination~~, or attempts to condition
22 an individual's job or student status upon the receipt of a ~~medical treatment vaccination~~,
23 the state agency, political subdivision, or person must inform the individual of the right to
24 the conscience exemption under sections 2 to 7, inclusive, of this Act.

25 **Section 6. That a NEW SECTION be added to title 34:**

26 A civil action for damages or injunctive relief, or both, may be brought by any
27 individual for any violation of sections 3 to 5, inclusive, of this Act. An individual, who is
28 aggrieved by any violation of sections 3 to 5, inclusive, of this Act and commences a civil
29 action, is entitled, upon the finding of a violation, to recover threefold the actual damages
30 sustained, along with the costs of the action and reasonable attorney's fees.

1 **Section 7. That a NEW SECTION be added to title 34:**

2 Sections 3 to 6, inclusive, of this Act do not apply to:

- 3 (1) A health care facility, as defined in chapter 34-12, if compliance would result in a
4 violation of regulations issued by the Centers for Medicare and Medicaid Services
5 or by the Centers for Disease Control and Prevention;
6 (2) Immunizations required for admission to school or an early childhood program, as
7 described in § 13-28-7.1;
8 (3) Court-ordered medical treatment;
9 (4) Medical treatment administered to an individual who is experiencing a mental
10 health crisis and is determined, by a qualified mental health professional, to be in
11 an immediate danger to oneself or others; and
12 (5) The South Dakota National Guard.

13 Sections 3 to 6, inclusive, of this Act do not prevent the South Dakota National
14 Guard from requiring a ~~medical treatment vaccination~~ in compliance with a valid and lawful
15 command order that applies to a servicemember who is subject to federal activation.