

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

781N0634

SENATE BILL NO. 171

Introduced by: Senators Duenwald, Apa, Greenfield, and McNenny and Representatives Hackl, Glenski, Hunt, Novstrup (Al), Olson (Betty), and Wick

1 FOR AN ACT ENTITLED, An Act to require the posting of certain legal notices in abortion
2 facilities and to provide for enforcement through civil suit and the imposition of liquidated
3 damages.

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 Any facility in which abortions are performed that is a private office or freestanding surgical
8 outpatient clinic shall post the following legal notice in each patient waiting room and patient
9 consultation room used by patients on whom abortions are performed. Any hospital or any other
10 facility in which abortions are performed that is not a private office or freestanding surgical
11 outpatient clinic shall post the following legal notice in each patient admission area used by
12 patients on whom abortions are performed. If requested by the patient, a copy of the notice and
13 access to a telephone in a room that assures privacy shall also be provided.

14 The posted legal notice shall be printed legibly in boldface type of forty-four points or more:

15 "It is against the law for anyone, regardless of their relationship to you, to force or coerce



1 you to have an abortion. By law, we cannot perform an abortion on you unless we have your
2 freely given voluntary consent. It is against the law to perform an abortion on you against your
3 will."

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

6 Any state resident who is aggrieved by the failure of anyone to comply with the provisions
7 of section 1 of this Act may enforce the provisions of this Act by bringing a civil suit in any
8 circuit court of competent jurisdiction. Upon a finding that a defendant has failed to comply
9 with the provisions of section 1 of this Act, the court shall award the plaintiff one thousand
10 dollars in liquidated damages plus the plaintiff's court costs and reasonable attorneys' fees.

11 Section 3. The provisions of this Act are effective on October 1, 2007.