



2021 South Dakota Legislature
Senate Bill 183
ENROLLED

AN ACT

ENTITLED An Act to declare certain contract provisions regarding abortion as unenforceable and to provide a penalty therefor.

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

Section 1. That a NEW SECTION be added:

53-9-13. Coerce or compel an abortion--Contract void.

A provision in a contract is void and unenforceable if it in any way:

- (1) Coerces, compels, or attempts to compel a pregnant woman to undergo an abortion;
- (2) Results in a breach of any term of the contract if a pregnant woman refuses to undergo an abortion; or
- (3) Results in the pregnant woman assuming any cost, obligation, or responsibility for refusing to undergo an abortion.

Section 2. That a NEW SECTION be added:

22-17-14. Coercion--Abortion--Misdemeanor or felony.

A person is guilty of a Class 1 misdemeanor if the person:

- (1) Coerces, compels, or attempts to compel a pregnant woman to undergo an abortion;
- (2) Requires a pregnant woman to agree to a provision that if she refuses to undergo an abortion, it is a breach of a contract; or
- (3) Requires a pregnant woman to agree to a provision that results in her assuming any cost, obligation, or responsibility for refusing to undergo an abortion.

A subsequent offense of this section is a Class 6 felony.

Section 3. That § 37-24-12 be AMENDED.

37-24-12. Attorney general's investigative demand for report on suspect practices.

If the attorney general has reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by § 37-24-6 or has entered into a contract with a provision that is void and unenforceable under § 53-9-13, and he believes it to be in the public interest that an investigation should be made to ascertain whether a person has in fact engaged in, is engaging in, or is about to engage in any such act, practice, or contract, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged violation, an investigative demand requiring such person to furnish, under oath or otherwise, a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify, or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning a provision covered under § 53-9-13 or the advertisement, sale, or offering for sale of any merchandise.

An Act to declare certain contract provisions regarding abortion as unenforceable and to provide a penalty therefor.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 183

2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 183
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State