



2023 South Dakota Legislature

House Bill 1116

Introduced by: **Representative** Karr

1 **An Act to prohibit the use of state resources in hosting lewd or lascivious content.**

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

3 **Section 1. That chapter 13-1 be amended with a NEW SECTION:**

4 The Board of Regents, the Board of Technical Education, or any institution under
 5 their control; a state agency or any institution under the control of a state agency; or a
 6 public school district may not authorize or expend public moneys or use any state-owned
 7 facility or property to develop, implement, facilitate, host, promote, or fund any lewd or
 8 lascivious content.

9 For the purpose of this section, the term, lewd or lascivious content, means any
 10 program, event, or literature presenting obscene live conduct, as defined by subdivision
 11 22-24-27(10), or obscene material, as defined by subdivision 22-24-27(11), that depicts,
 12 describes, or simulates, as applicable:

- 13 (1) Any specific sexual activity, as defined in § 11-12-1;
 14 (2) Any specific anatomical areas, as defined in § 11-12-1;
 15 (3) Nude or seminude adults, as defined in § 11-12-1;
 16 (4) Adults who remove clothing for the entertainment of one or more individuals; or
 17 (5) Any physical human body activity, whether performed alone or with other persons,
 18 including singing, speaking, dancing, acting, simulation, or pantomiming, where a
 19 performer exhibits a gender identity that is different from the performer's biological
 20 sex through the use of clothing, makeup, or other physical markers, for the
 21 predominant purpose of appealing to a prurient interest.

22 **Section 2. That § 13-53-49 be AMENDED:**

23 **13-53-49.** As Terms used in §§ 13-53-49 to 13-53-53, inclusive, mean:

- 24 (1) "Expressive activity," ~~protected under the provisions of §§ 13-53-49 to 13-53-53,~~
 25 ~~inclusive,~~ includes any lawful noncommercial verbal or written means by which one

1 person communicates ideas to another, and includes peaceful assembly, protests,
2 speeches, distribution of literature, the carrying of signs, and the circulation of
3 petitions. Expressive activity may not be interpreted to include any lewd or
4 lascivious content, as defined in section 1 of this Act; and

5 (2) "Intellectual diversity," denotes a learning environment that exposes students to
6 and encourages exploration of a variety of ideological and political perspectives.
7 Intellectual diversity may not be interpreted to include any lewd or lascivious
8 content, as defined in section 1 of this Act.

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