



2025 South Dakota Legislature

House Bill 1248

Introduced by: **Representative** Rehfeldt

1 **An Act to clarify informed consent requirements for the provision of prenatal and**
2 **postnatal care to a minor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 26-1:**

5 A pregnant minor who, in the opinion of the health care provider, has the mental
6 capacity to consent may provide informed consent for any medical or dental procedure or
7 service, including hospitalization and surgery, related to the minor's prenatal care, the
8 delivery process, or postnatal care, if:

9 (1) The health care provider first makes a reasonable effort to obtain consent from the
10 minor's parent or guardian;

11 (2) The health care provider documents the effort made in accordance with subdivision
12 (1) of this section in the minor's medical record; and

13 (3) The minor's parent or guardian:

14 (a) Is unavailable; or

15 (b) Is incapable of providing informed consent because of a mental or physical
16 incapacity.

17 This section does not apply to an emancipated minor, as defined in § 25-5-24.
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