

2021 South Dakota Legislature

Senate Bill 183**AMENDMENT 183G FOR THE SENATE BILL**

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

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

4 **Section 1.** That a NEW SECTION be added:

5 **53-9-13. Coerce or compel an abortion--Provision in a contract void.**

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

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

13 **Section 2.** That a NEW SECTION be added:

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

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

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

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

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

1 **37-24-12. Attorney general's investigative demand for report on suspect**
 2 **practices.**

3 If the attorney general has reason to believe that a person has engaged in, is
 4 engaging in, or is about to engage in any act or practice declared to be unlawful by § 37-
 5 24-6 ~~or has entered into a contract with a provision that is void and unenforceable under~~
 6 ~~§ 53-9-13~~, and ~~he the attorney general~~ believes it to be in the public interest that an
 7 investigation should be made to ascertain whether a person has in fact engaged in, is
 8 engaging in, or is about to engage in any such act ~~or practice, or contract, he the attorney~~
 9 ~~general~~ may execute in writing and cause to be served upon any person who is believed
 10 to have information, documentary material, or physical evidence relevant to the alleged
 11 violation, an investigative demand requiring such person to furnish, under oath or
 12 otherwise, a report in writing setting forth the relevant facts and circumstances of which
 13 ~~he such person~~ has knowledge, or to appear and testify, or to produce relevant
 14 documentary material or physical evidence for examination, at such reasonable time and
 15 place as may be stated in the investigative demand, concerning ~~a provision covered under~~
 16 ~~§ 53-9-13 or~~ the advertisement, sale, or offering for sale of any merchandise.

17 **Section 4.** That a NEW SECTION be added:

18 **37-24-12.1. Attorney general's investigative demand--Report--Contract**
 19 **provisions.**

20 If the attorney general has reason to believe that a person has engaged in or is
 21 engaging in any act or practice declared to be unlawful by § 53-9-13, on or after July 1,
 22 2021, and the attorney general believes it to be in the public interest that an investigation
 23 should be made to ascertain whether a person has entered into a contract with a provision
 24 that is void and unenforceable under § 53-9-13, the attorney general may execute in
 25 writing and cause to be served upon any person who is believed to have information,
 26 documentary material, or physical evidence relevant to the alleged violation, an
 27 investigative demand requiring such person to furnish, under oath or otherwise, a report
 28 in writing setting forth the relevant facts and circumstances of which such person has
 29 knowledge, or to appear and testify, or to produce relevant documentary material or
 30 physical evidence for examination, at such reasonable time and place as may be stated in
 31 the investigative demand, concerning a provision covered under § 53-9-13.