**20:03:09:12.  Employment policies relating to pregnancy and childbirth.** Written or unwritten employment policies and practices, except for insurance, shall be applied to pregnancy and childbirth on the same terms and conditions as they are applied to other temporary disabilities. No employer shall provide for child care leave which discriminates on the basis of sex.

**Source:** SL 1975, ch 16, § 1; 6 SDR 59, effective December 16, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 20-13-27.

**Law Implemented:** SDCL 20-13-1(14), 20-13-10, 20-13-12.

**Court Decisions:** A rule which prohibited the exclusion of group health insurance benefits for pregnancy and pregnancy-related disabilities to unmarried persons exceeded the statutory authority of the human rights commission to adopt rules, and an employer who provides such an insurance policy is not guilty of sex discrimination in violation of SDCL 20-13. (Opinion issued before the 1979 amendment of this section.) **State, Division of Human Rights, ex rel. Ewing vs Prudential Insurance Company of America**, 273 N.W. 2d 111 (Nov. 30, 1978).

A rule which prohibited the exclusion of benefits for pregnancy and pregnancy-related disabilities in a "single plan" group health insurance policy (as opposed to a "family plan" policy) exceeded the statutory authority of the human rights commission to adopt rules, and an employer who provides such an insurance policy is not guilty of sex discrimination in violation of SDCL 20-13-10. (Opinion issued before the 1979 amendment of this section.) **State ex rel. Webb vs Pierre Independent School District No. 1**, 272 N.W. 2d 306 (Dec. 7, 1978).