

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE BILL NO. 1154

Introduced by: Representatives Hawks, Bartling, Craig, DiSanto, Feickert, Gibson, Greenfield (Lana), Hawley, Jensen (Alex), Kirschman, McCleerey, Ring, and Schrempp and Senators Buhl O'Donnell, Bradford, Greenfield (Brock), Haggar (Jenna), Heinert, Hunhoff (Bernie), Parsley, Peterson (Jim), and Sutton

1 FOR AN ACT ENTITLED, An Act to create protections and accommodations for pregnant and  
2 breastfeeding mothers in their places of employment.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 An employer shall make reasonable accommodations for any employee related to pregnancy,  
6 childbirth, or a related condition. The term, reasonable accommodations, includes more frequent  
7 or longer breaks, time off to recover from childbirth, adjustment of seating, temporary transfer  
8 to a less strenuous or hazardous position, job restructuring, private nonbathroom space for  
9 breastfeeding, assistance with manual labor, modified work schedules, or any other reasonable  
10 request directly related to pregnancy, childbirth, or a related condition. The employer shall  
11 engage in a timely and good faith process with the employee to determine effective  
12 accommodations. However, no employer is required by this Act to create additional  
13 employment, unless the employer does so for other classes of employees that need



1 accommodation. Additionally, no employer is required to discharge any employee, transfer any  
2 employee with more seniority, or promote an unqualified employee for purposes of the  
3 accommodation.

4 Section 2. That the code be amended by adding a NEW SECTION to read:

5 No employer may take adverse action against an employee who requests or uses a reasonable  
6 accommodation related to pregnancy, childbirth, or a related condition, or deny employment  
7 opportunities to an otherwise qualified employee if the denial is based on the need of the  
8 employer to make reasonable accommodations for the employee. If another reasonable  
9 accommodation can be provided, no employer may force an employee to take vacation or unpaid  
10 leave, or to accept an accommodation if the employee chooses not to accept it.