

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

481B0711

HOUSE ENGROSSED NO. **HB 1177** - 2/25/2019

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Frye-Mueller, Brunner, and Pischke and Senators Nelson, DiSanto, Jensen (Phil), and Russell

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding the performance of a
2 sonogram prior to an abortion.

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

4 Section 1. That § 34-23A-52 be amended to read:

5 34-23A-52. ~~No facility that performs abortions may perform an abortion on a pregnant~~
6 ~~woman without first offering the pregnant woman an opportunity to view a sonogram of her~~
7 ~~unborn child. The woman's response to the offer shall be documented by the facility, including~~
8 ~~the date and time of the offer and the woman's signature attesting to her informed decision. No~~
9 ~~physician may take a consent for an abortion from a pregnant mother without first offering the~~
10 ~~pregnant mother an opportunity to view a sonogram and hear the heartbeat of her unborn child.~~
11 ~~The physician shall offer to describe the images on the sonogram if the pregnant mother~~
12 ~~consents. The pregnant mother's response to the offer under this section shall be documented~~
13 ~~by the physician in the patient's medical records, including the date and time of the offer and the~~
14 ~~pregnant mother's signature to her response to the offer.~~



1 Section 2. That chapter 34-23A be amended by adding a NEW SECTION to read:

2 The provisions of § 34-23A-52 do not apply to an abortion provider or facility in the case
3 of a medical emergency. Upon a determination by a physician under this section that a medical
4 emergency exists, the physician shall certify the specific medical conditions that constitute the
5 emergency.