

AN ACT

ENTITLED, An Act to define the term, fetus.

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

Section 1. That § 34-23A-1 be amended to read as follows:

34-23A-1. Terms as used in this chapter mean:

- (1) "Abortion," the use of any means to intentionally terminate the pregnancy of a female known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus;
- (2) "Fetus," the biological offspring, including the implanted embryo or unborn child, of human parents;
- (3) "Medical emergency," any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;
- (4) "Parent," one parent of the pregnant minor or the guardian or conservator of the pregnant female;
- (5) "Physician," a person licensed under the provisions of chapter 36-4 or a physician practicing medicine or osteopathy in the employ of the government of the United States or of this state;
- (6) "Probable gestational age of the unborn child," what, in the judgment of the physician, will with reasonable probability be the gestational age of the unborn child at the time the abortion is planned to be performed.

Section 2. That § 34-25-1.1 be amended to read as follows:

34-25-1.1. Terms as used in this chapter mean:

- (1) "Dead body," a lifeless human body or parts thereof from the state of which it may reasonably be concluded that death recently occurred;
- (2) "Department," the Department of Health;
- (3) "Fetal death," death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;
- (4) "Fetus," the biological offspring, including the implanted embryo or unborn child, of human parents;
- (5) "Final disposition," the burial, interment, cremation, or other disposition of a dead body or fetus;
- (6) "Institution," any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals, or to which persons are committed by law;
- (7) "Live birth," the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;
- (8) "System of vital registration," the process by which vital records are collected, completed, amended, certified, filed, preserved, and incorporated into the official records of the office of vital records, and activities related thereto including the tabulation, analysis, and publication of statistical data derived from such records;
- (9) "Vital records," records of birth, death, fetal death, burial, marriage, divorce, and data

related thereto as entered on forms prescribed by the department.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1171

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1171

File No. _____

Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State