

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

391L0472

## SENATE BILL NO. 203

Introduced by: Senators Duenwald, Abdallah, Apa, Bartling, Earley, Gant, Gray, Greenfield, Hansen (Tom), Hanson (Gary), Kooistra, Koskan, Lintz, McNenny, Moore, Napoli, Peterson (Jim), Schoenbeck, Smidt, and Sutton (Duane) and Representatives Dykstra, Brunner, Buckingham, Davis, Deadrick, Frost, Fryslie, Garnos, Hackl, Howie, Hunhoff, Hunt, Jensen, Klaudt, Koistinen, Kraus, Krebs, Lange, McCoy, Miles, Nelson, Olson (Ryan), Pederson (Gordon), Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Van Etten, Weems, and Wick

1 FOR AN ACT ENTITLED, An Act to prohibit the performance of abortions, except to save the  
2 life of the mother, and to provide a penalty therefor and to provide for a delayed effective  
3 date.

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

5 Section 1. That § 34-23A-21 be repealed.

6 ~~— 34-23A-21. Nothing in this chapter may be construed to repeal, by implication or otherwise,~~  
7 ~~any provision not explicitly repealed.~~

8 Section 2. That § 22-17-5 be repealed.

9 ~~— 22-17-5. Any person who performs, procures or advises an abortion other than authorized~~  
10 ~~by chapter 34-23A is guilty of a Class 6 felony.~~

11 Section 3. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as  
12 follows:



1        Any person who administers to any pregnant female or who prescribes or procures for any  
2 pregnant female or who advises any pregnant female to take any medicine, drug, or substance  
3 or uses or employs any instrument or other means with intent thereby to procure a miscarriage  
4 or abortion, unless the miscarriage or abortion is necessary to preserve the pregnant female's life,  
5 is guilty of a Class 1 felony.

6        Section 4. This Act is effective on the date that the states are given the exclusive authority  
7 to regulate abortion.