

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

139P0202

SENATE BILL NO. 88

Introduced by: Senators Schmidt (Dennis), Albers, Apa, Duenwald, Gant, Gray, Greenfield, Hansen (Tom), Hauge, Hunhoff, Kloucek, Koetzle, Lintz, Maher, McNenny, Peterson (Jim), Smidt (Orville), and Sutton and Representatives Weems, Boomgard, Brunner, Davis, DeVries, Dykstra, Hackl, Heineman, Howie, Hunt, Jerke, Juhnke, Koistinen, Miles, Moore, Nelson, Noem, Novstrup (Al), Novstrup (David), Olson (Betty), Rausch, Rave, Rhoden, Steele, Van Etten, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require abortion facilities to offer sonograms to pregnant
2 women under certain circumstances.

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

4 Section 1. No facility that performs abortions may perform an abortion on a pregnant woman
5 without first offering the pregnant woman an opportunity to view a sonogram of her unborn
6 child. The woman's response to the offer shall be documented by the facility, including the date
7 and time of the offer and the woman's signature attesting to her informed decision.

8 Section 2. That § 34-23A-37 be amended to read as follows:

9 34-23A-37. The Department of Health shall prepare a reporting form for physicians which
10 shall provide for the collection of the following information:

11 (1) The number of females to whom the physician provided the information described
12 in subdivision 34-23A-10.1(1); of that number, the number provided by telephone



1 and the number provided in person; and of each of those numbers, the number
2 provided in the capacity of a referring physician and the number provided in the
3 capacity of a physician who is to perform the abortion;

4 (2) The number of females to whom the physician provided the information described
5 in subdivision 34-23A-10.1(2); of that number, the number provided by telephone
6 and the number provided in person; of each of those numbers, the number provided
7 in the capacity of a referring physician and the number provided in the capacity of a
8 physician who is to perform the abortion; and of each of those numbers, the number
9 provided by the physician and the number provided by an agent of the physician;

10 (3) The number of females who availed themselves of the opportunity to obtain a copy
11 of the printed information described in § 34-23A-10.3, and the number who did not;
12 and of each of those numbers, the number who, to the best of the reporting
13 physician's information and belief, went on to obtain the abortion;

14 (3A) The number of females who availed themselves of the opportunity to view a
15 sonogram of her unborn child pursuant to section 1 of this Act, and the number who
16 did not; and of each of those numbers, the number who, to the best of the reporting
17 physician's information and belief, went on to obtain the abortion;

18 (4) The number of abortions performed by the physician in which information otherwise
19 required to be provided at least twenty-four hours before the abortion was not
20 provided because an immediate abortion was necessary to avert the female's death,
21 and the number of abortions in which such information was not so provided because
22 a delay would create serious risk of substantial and irreversible impairment of a
23 major bodily function;

24 (5) The name of hospital or physician office;

- 1 (6) The date of report by month, day, and year; and
- 2 (7) A unique patient number that can be used to link the report to medical report for
- 3 inspection, clarification, and correction purposes but that cannot, of itself, reasonably
- 4 lead to the identification of any person obtaining an abortion.