

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

490B0706

HOUSE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **HB 1190** - 2/19/2019

**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, Dennert, Howard, Livermont, Marty, Pischke, and Weis and Senators Nelson, DiSanto, Jensen (Phil), Maher, and Russell

1 FOR AN ACT ENTITLED, An Act to provide for certain requirements prior to the performance  
2 of an abortion.

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

4 Section 1. That § 34-23A-37 be amended to read:

5 34-23A-37. The Department of Health shall prepare a reporting form for physicians which  
6 shall provide for the collection of the following information:

7 (1) The number of ~~females~~ pregnant mothers to whom the physician provided the  
8 information described in subdivision 34-23A-10.1(1); ~~of that number, the number~~  
9 ~~provided by telephone and the number provided in person, and of each of those~~  
10 ~~numbers, and of those pregnant mothers, the number to whom the physician provided~~  
11 ~~information~~ in the capacity of a referring physician and the number to whom the  
12 physician provided information in the capacity of a physician who is to perform the  
13 abortion;



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

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

12 ~~(3A)~~(4) The number of ~~females~~ pregnant mothers who availed themselves of the  
13 opportunity to view a sonogram image, hear the heartbeat of her the unborn child, or  
14 both, pursuant to § 34-23A-52, and the number who did not; and of each of those  
15 numbers, the number who, to the best of the reporting physician's information and  
16 belief, went on to obtain the abortion;

17 ~~(4)~~(5) The number of abortions performed by the physician in which information otherwise  
18 required to be provided at least twenty-four hours before the abortion was not  
19 provided because an immediate abortion was necessary to avert the ~~female's~~ pregnant  
20 mother's death, and the number of abortions in which such information was not so  
21 provided because a delay would ~~create~~ have created a serious risk of substantial and  
22 irreversible impairment of a major bodily function;

23 ~~(5)~~(6) The name of the hospital or physician office;

24 ~~(6)~~(7) The ~~date of report~~ by month, day, and year of the report; and

1        ~~(7)~~(8) A unique patient number that can be used to link the report under this section to the  
2                    medical report for inspection, clarification, and correction purposes, but ~~that~~ which  
3                    cannot, of itself, reasonably lead to the identification of any ~~person~~ pregnant mother  
4                    obtaining an abortion.