

AN ACT

ENTITLED, An Act to prohibit the practice of sex-selective abortions, to establish certain procedures to better ensure that sex-selective abortions are not practiced in South Dakota, and to provide penalties therefor.

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

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

Terms as used in this Act mean:

- (1) "Sex-selective abortion," the performance of an abortion with knowledge that the pregnant mother is seeking the abortion due to the sex of the unborn child;
- (2) "Sex-determining test," any scientific test that is capable of determining the sex of an unborn child.

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

No person may knowingly or in reckless disregard perform or attempt to perform a sex-selective abortion. A violation of this section is a Class 6 felony. No penalty may be assessed against the pregnant mother upon whom the abortion is performed or attempted to be performed.

Section 3. That § 34-23A-56 be amended by adding thereto a NEW SUBDIVISION to read as follows:

Inquire into whether the pregnant mother knows the sex of her unborn child and if so, whether the mother is seeking an abortion due to the sex of the unborn child.

Section 4. That § 34-23A-10.1 be amended by adding thereto a NEW SUBDIVISION to read as follows:

A written statement that sex-selective abortions are illegal in the state of South Dakota and that

a pregnant mother cannot have an abortion, either solely or partly, due to the unborn child's sex, regardless of whether that unborn child is a girl or a boy or whether it is of the pregnant mother's free will or the result of the use of pressure and coercion.

Section 5. That § 34-23A-34 be amended by adding thereto a NEW SUBDIVISION to read as follows:

The sex of the unborn child and the following information:

- (a) Whether the pregnant mother used a sex-determining test;
- (b) What type of sex-determining test the pregnant mother used; and
- (c) The approximate gestational age of the unborn child, in weeks, when the test was taken.

Section 6. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

Nothing in this Act repeals, by implication or otherwise, any provision not explicitly repealed.

Section 7. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1162

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1162
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

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

Secretary of State

By _____
Asst. Secretary of State