



## 2023 South Dakota Legislature

# Senate Bill 180

Introduced by: **Senator** Diedrich

1 **An Act to address requirements for the execution of a living will.**

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

3 **Section 1. That § 34-12D-2 be AMENDED:**

4 **34-12D-2.** A competent adult may at any time execute a declaration governing  
 5 the withholding or withdrawal of life-sustaining treatment. The declaration ~~shall~~must be  
 6 signed by the declarant, or by another at the declarant's direction, and witnessed by two  
 7 adult individuals. ~~The signing may be in the presence of adults, or by~~ a notary public who  
 8 shall thereafter notarize the declaration.

9 A declaration ~~shall~~must state the declarant's preferences regarding ~~whether the~~  
 10 ~~declarant wishes to receive or not receive~~the provision, withholding, or withdrawal of  
 11 artificial nutrition and hydration.

12 If the declaration does not state the declarant's preferences ~~with respect~~  
 13 ~~to~~regarding the provision, withholding, or withdrawal of artificial nutrition and hydration,  
 14 ~~whether any determination regarding the provision, withholding, or withdrawal of~~ artificial  
 15 nutrition and hydration is ~~to be provided, withheld, or withdrawn shall be~~ governed by the  
 16 ~~law~~laws of this state ~~which would apply~~that apply in the absence of a declaration.