

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

490B0706

## HOUSE BILL NO. 1190

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 chapter 34-23A be amended by adding a NEW SECTION to read:

5 A physician may not perform an abortion on a pregnant woman without first making  
6 audible, and in a quality consistent with current medical practice, the heart auscultation, if  
7 present, of the pregnant woman's unborn child. The physician who is to perform the abortion  
8 shall provide a verbal explanation of the heart auscultation in a manner understandable to a  
9 layperson. The pregnant woman's choice not to receive any verbal explanation under this section  
10 shall be documented by the abortion facility, including the date, time, and the woman's signature  
11 attesting to her choice.

12 Section 2. That § 34-23A-37 be amended to read:

13 34-23A-37. The Department of Health shall prepare a reporting form for physicians ~~which~~  
14 that shall provide for the collection of the following information:



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

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

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

16 ~~(3A)~~(4) The number of females who ~~availed themselves of the opportunity~~ chose to view  
17 a sonogram image of ~~her~~ their unborn child ~~pursuant to~~ under § 34-23A-52 or to  
18 receive a verbal explanation of a heart auscultation under section 1 of this Act, and  
19 the number who did not; and of each of those numbers, the number who, to the best  
20 of the reporting physician's information and belief, went on to obtain the abortion;

21 ~~(4)~~(5) The number of abortions performed by the physician in which information otherwise  
22 required to be provided at least twenty-four hours before the abortion was not  
23 provided because an immediate abortion was necessary to avert the female's death,  
24 and the number of abortions in which such information was not so provided because

1 a delay would create serious risk of substantial and irreversible impairment of a  
2 major bodily function;

3 ~~(5)~~(6) The name of the hospital or physician office;

4 ~~(6)~~(7) The ~~date of report~~ by month, day, and year of the report; and

5 ~~(7)~~(8) A unique patient number that can be used to link the report under this section to the  
6 medical report for inspection, clarification, and correction purposes but that cannot,  
7 of itself, reasonably lead to the identification of any person obtaining an abortion.