

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

184W0550

HOUSE ENGROSSED NO. **HB 1155** - 02/09/2015

Introduced by: Representatives Latterell, Brunner, Campbell, Conzet, Craig, Cronin, DiSanto, Greenfield (Lana), Haggar (Don), Hickey, Kaiser, Kirschman, Klumb, Qualm, Schoenfish, Stalzer, Wiik, and Zikmund and Senators Haggar (Jenna), Brown, Greenfield (Brock), Jensen (Phil), Lederman, Monroe, Novstrup (David), Olson, Omdahl, Otten (Ernie), and Rave

1 FOR AN ACT ENTITLED, An Act to require that information be provided to a pregnant
2 mother whose child tests positive for Down syndrome.

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

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

6 For purposes of this Act, Down syndrome is a chromosome disorder associated with an extra
7 chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-
8 one.

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

11 Any health care provider of obstetrical care to a pregnant mother and any counselor who
12 provides services to a pregnant mother shall educate all pregnant patients upon delivering a test
13 result that is positive for Down syndrome by providing printed materials provided by the



1 Department of Health that contain the following:

2 (1) Up-to-date, evidence-based, information about Down syndrome that has been
3 reviewed by medical experts and Down syndrome organizations and includes
4 information on physical, developmental, educational, and psychosocial outcomes and
5 life expectancy, clinical course, intellectual and functional development, and
6 treatment options; and

7 (2) Contact information regarding support programs and services for expectant and new
8 parents of children with Down syndrome, including information hotlines specific to
9 Down syndrome, resource centers or clearinghouses, national and local Down
10 syndrome organizations, and other education and support programs.

11 Section 3. That chapter 34-23B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The Department of Health shall provide educational materials and guidance about Down
14 syndrome to physicians, health care providers, and counselors, for the purposes of assuring the
15 dissemination of accurate and appropriate patient education.

16 Section 4. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
17 as follows:

18 For purposes of this Act, Down syndrome is a chromosome disorder associated with an extra
19 chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-
20 one.

21 Section 5. That § 34-23A-56 be amended by adding thereto a NEW SUBDIVISION to read
22 as follows:

23 Inquire into whether the pregnant mother knows of any diagnosis or potential diagnosis of
24 Down syndrome of her unborn child and if so, whether the pregnant mother is seeking an

1 abortion due to such a diagnosis or potential diagnosis of the unborn child.

2 Section 6. That § 34-23A-10.1 be amended by adding thereto a NEW SUBDIVISION to
3 read as follows:

4 Printed materials provided by the Department of Health that contain the following:

5 (a) Up-to-date, evidence-based, information about Down syndrome that has been
6 reviewed by medical experts and Down syndrome organizations and includes
7 information on physical, developmental, educational, and psychosocial
8 outcomes and life expectancy, clinical course, intellectual and functional
9 development, and treatment options; and

10 (b) Contact information regarding support programs and services for expectant
11 and new parents of children with Down syndrome, including information
12 hotlines specific to Down syndrome, resource centers or clearinghouses,
13 national and local Down syndrome organizations, and other education and
14 support programs.

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

17 The Department of Health shall provide educational materials and guidance about Down
18 syndrome to abortion providers for the purposes of assuring the dissemination of accurate and
19 appropriate education.

20 Section 8. That § 34-23A-34 be amended by adding thereto a NEW SUBDIVISION to read
21 as follows:

22 Any known diagnosis or potential diagnosis of Down syndrome concerning the
23 unborn child and the following information:

24 (a) Whether the pregnant mother used any form of prenatal screening that would

1 have determined any type of genetic or physical characteristic of the unborn
2 child;

3 (b) What type of screening was used;

4 (c) The approximate gestational age of the unborn child, in weeks, when the
5 screening was taken.

6 Section 9. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
7 as follows:

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

10 Section 10. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
11 as follows:

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