



2023 South Dakota Legislature

House Concurrent Resolution 6005

Introduced by: **Representative Healy**

1 **A CONCURRENT RESOLUTION, Recognizing the right to contraception and**
2 **supporting access to contraception for all adults.**

3 **Section 1.** WHEREAS, the right to contraception is a fundamental right, central to a person's
4 privacy, health, wellbeing, dignity, liberty, equality, and ability to participate in social and
5 economic life; and

6 **Section 2.** WHEREAS, the United States Supreme Court has repeatedly recognized the
7 constitutional right to contraception. In Griswold v. Connecticut (381 U.S. 479 (1965)), the
8 Supreme Court first recognized the constitutional right for married people to use
9 contraceptives. In Eisenstadt v. Baird (405 U.S. 438 (1972)), the Supreme Court confirmed
10 the constitutional right of all people to legally access contraceptives regardless of marital
11 status; and

12 **Section 3.** WHEREAS, the right to contraception has been repeatedly recognized
13 internationally as a human right. The United Nations Population Fund has published several
14 reports outlining family planning as a basic human right that advances individual health,
15 economic empowerment, and equality. Access to contraception is internationally recognized
16 by the World Health Organization as advancing other human rights, such as the right to life,
17 liberty, expression, health, work, and education; and

18 **Section 4.** WHEREAS, contraception is safe, essential health care, and access to
19 contraceptive products and services is central to a person's ability to participate equally in
20 economic and social life in this state, the United States, and internationally; and

21 **Section 5.** WHEREAS, contraception is key to sexual and reproductive health. Contraception
22 is critical to preventing unintended pregnancy, and many contraceptives are highly effective
23 in preventing and treating a wide array of severe medical conditions and decreasing the risk
24 of certain cancers; and

1 **Section 6.** WHEREAS, family planning improves health outcomes for women, their families,
2 and their communities, and reduces rates of maternal and infant mortality and morbidity; and

3 **Section 7.** WHEREAS, the United States has a long history of reproductive coercion, including
4 childbearing forced upon enslaved women and the forced sterilization of Black, Puerto Rican,
5 indigenous, immigrant, and disabled women. Reproductive coercion continues to occur; and

6 **Section 8.** WHEREAS, the right to make personal decisions about contraceptive use is
7 important for all citizens and is especially critical for historically marginalized groups,
8 including Black, indigenous, and other people of color; immigrants; LGBTQ2S people; people
9 with disabilities; people with low incomes; and people living in rural and underserved areas;
10 and

11 **Section 9.** WHEREAS, state and federal policies governing the pharmaceutical and insurance
12 industries affect the accessibility of contraceptives and the settings in which contraception
13 services are delivered; and

14 **Section 10.** WHEREAS, despite the clearly established constitutional right to contraception,
15 access to contraceptives, including emergency contraceptives and long-acting reversible
16 contraceptives, has been obstructed across the country by the federal government and state
17 governments;

18 **Section 11.** NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
19 Ninety-Eighth Legislature of the State of South Dakota, the Senate concurring therein, that
20 the right to contraception is recognized, and access to contraception and information related
21 to contraception be protected for all adults, regardless of actual or perceived race, ethnicity,
22 sex, income, disability, national origin, immigration status, or geography.