



# SOUTH DAKOTA

## SOUTH DAKOTA AT A GLANCE

EXISTENCE AND STATUS OF ABORTION BAN	STATE CONSTITUTIONAL PROTECTION OF ABORTION RIGHTS	STATUTORY PROTECTION OF ABORTION RIGHTS	OTHER FACTORS
No ban	None established	None	Highly vulnerable to enactment of new ban



**Existence and Status of Abortion Ban:** No abortion ban. The legislature repealed its pre-*Roe* ban.

**State Constitutional Protection of Abortion Rights:** None established.

**Statutory Protection of Abortion Rights:** None.

**Other Factors:** Because South Dakota has a history of enacting abortion restrictions,<sup>145</sup> and the legislature and governor are currently anti-choice, it is likely that an abortion ban would be enacted if *Roe* were overruled.

**Conclusion:** Although South Dakota currently does not ban abortion, it is likely to ban abortion if *Roe* is overturned.

**Legislative Session in South Dakota: Jan. 11 – late March, 2005**

Source: National Conference of State Legislators (NCSL) website  
<http://www.ncsl.org/programs/legman/about/sess2005.htm>

<sup>145</sup> For example, the South Dakota Legislature has enacted a so-called “partial-birth abortion” law, S.D. CODIFIED LAWS § 34-23A-27 to -32; a mandatory delay/biased counseling provision, § 34-23A-10.1 to -10.4; a parental involvement law, § 34-23A-27-7; and a physician-only law, § 34-23A-3. Not all of these laws are currently enforced. In addition, South Dakota enacted a trigger law, but this has since been amended to simply provide, “[n]othing in this chapter may be construed to repeal, by implication or otherwise, any provision not explicitly repealed.” § 34-23A-21.