

Restricting Abortion: South Dakota¹

In far too many places throughout this country, it has become extremely difficult for women to safely and legally end a pregnancy. In too many states, politicians have enacted laws that single out the provision of abortion services for restrictions that are more burdensome than those imposed on medically comparable procedures, do not significantly advance women's health or the safety of abortion services, and make abortion services more difficult to access. It's time for politicians to stop interfering with women's personal decision-making. We need a federal law that puts women's health, safety, and rights first. The Women's Health Protection Act does just that.

In South Dakota, the following restrictions are among those that would be unlawful under the Women's Health Protection Act once enacted:

- **BAN** on the use of telemedicine to provide medication abortion, reducing the potential for access to safe, nonsurgical abortion services and eliminating an important way to expand access to many low-income and rural women.²
- **BAN** on abortions based on sex selection, allowing the state to police women's reasons for ending a pregnancy and perpetuating negative stereotypes about Asian American communities that may result in the denial of health care.³
- **REQUIREMENT** that if an ultrasound is performed prior to an abortion, the provider offer the woman the opportunity to see the image, whether or not the provider believes it is appropriate.⁴
- **REQUIREMENT** that clinics meet structural and other regulatory standards unrelated to patient safety.⁵
- **REQUIREMENT** that forces a woman to wait at least 72 hours and make two separate trips to a provider before she can obtain an abortion.⁶
- **REQUIREMENT** that prior to the day of her abortion a woman must have a consultation at a crisis pregnancy center (CPC), requiring an extra trip in addition to the two trips she must already make to the abortion clinic.⁷ CPCs do not offer abortion care and often provide women with inaccurate or misleading information about abortion; some CPCs engage in manipulation tactics to deter women from seeking abortion care or prevent them from obtaining care altogether.⁸
- **BAN** on abortion after 24 weeks of pregnancy (an unconstitutional pre-viability ban).⁹

"My clinic sees women from Texas, Wyoming, Kansas, Nebraska, South Dakota, North Dakota, and Utah seeking abortion care outside of their state! These women deserve better. The women we take care of from outside of our state shouldn't have to use their valuable resources to purchase plane tickets, bus tickets, or gasoline to travel to Colorado to get an abortion that is their right to have. They should have access to safe and legal abortion in the state in which they reside."

- Klaira Lerma, counselor at an abortion clinic in Denver, Colorado, 316 miles from the South Dakota border

(Endnotes)

- ¹ The restrictions highlighted herein are examples of the types of restrictions that the **Women's Health Protection Act** seeks to invalidate. This fact sheet is not intended as a comprehensive guide to abortion restrictions in South Dakota.
- ² S.D. CODIFIED LAWS § 34-23A-56.
- ³ S.D. CODIFIED LAWS § 34-23A-10.1; *Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States*, NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM (June 2014), available at <http://napawf.org/wp-content/uploads/2014/06/Replacing-Myths-with-Facts-final.pdf>; *Race and Sex Selective Abortion Bans: Wolves in Sheep's Clothing*, NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM (July 2013), available at http://napawf.org/wp-content/uploads/2013/11/PRENDAlssueBrief_11.26-FINAL.pdf.
- ⁴ S.D. CODIFIED LAWS § 34-23A-52.
- ⁵ S.D. CODIFIED LAWS § 34-23A-6; § 34-23A-46; § 34-23A-48; see generally S.D. ADMIN. R. 44:67.
- ⁶ S.D. CODIFIED LAWS § 34-23A-56. In South Dakota, the 72-hour wait time does not include weekends and holidays, meaning that a woman's waiting time for an abortion may increase by a week or more due to the waiting period requirement.
- ⁷ S.D. CODIFIED LAWS § 34-23A-56(3)(a), *preliminarily enjoined by* Planned Parenthood Minn., North Dakota, South Dakota v. Dagaard, 799 F.Supp.2d 1048, 1077 (2011).
- ⁸ See generally NATIONAL ABORTION FEDERATION, CRISIS PREGNANCY CENTERS: AN AFFRONT TO CHOICE (2006).
- ⁹ S.D. CODIFIED LAWS § 34-23A-5.