

STATE OF SOUTH DAKOTA



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AUG 04 2022

S.D. SEC. OF STATE

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**MARK A. VARGO**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

August 4, 2022

Honorable Steve Barnett  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

Filed this 4<sup>th</sup> day of  
August, 2022  
*Steve Barnett*  
SECRETARY OF STATE

RE: Attorney General's Statement (Initiated Constitutional Amendment:  
Concerning Abortion)

Dear Secretary Barnett,

Enclosed is a copy of a proposed constitutional amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark A. Vargo".

Mark A. Vargo  
ATTORNEY GENERAL

MAV/dd  
Enc.

Cc/encl: James D. Leach  
Reed Holwegner – Legislative Research Council

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**BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:**

That Article VI of the Constitution of the State of South Dakota be amended by adding a NEW SECTION:

Before the end of the first trimester, the State may not regulate a pregnant woman's abortion decision and its effectuation, which must be left to the judgment of the pregnant woman.

After the end of the first trimester and until the end of the second trimester, the State may regulate the pregnant woman's abortion decision and its effectuation only in ways that are reasonably related to the physical health of the pregnant woman.

After the end of the second trimester, the State may regulate or prohibit abortion, except when abortion is necessary, in the medical judgment of the woman's physician, to preserve the life or health of the pregnant woman.

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CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: A Constitutional Amendment Concerning the Regulation of Abortion.

Explanation:

This constitutional amendment establishes a framework for the regulation of abortion.

The amendment establishes that during the first trimester a pregnant woman's decision to obtain an abortion may not be regulated nor may regulations be imposed on the carrying out of an abortion.

In the second trimester, the amendment allows the regulation of a pregnant woman's abortion decision, and the regulation of carrying out an abortion. Any regulation of a pregnant woman's abortion decision, or of an abortion, during the second trimester must be reasonably related to the physical health of the pregnant woman.

In the third trimester, the amendment allows the regulation or prohibition of abortion except in those cases where the abortion is necessary to preserve the life or health of the pregnant woman. Whether an abortion is necessary during the third trimester must be determined by the pregnant woman's physician according to the physician's medical judgment.

Judicial or legislative clarification of the amendment may be necessary.

Filed this 4<sup>th</sup> day of  
August, 2022  
Steve Barnett  
SECRETARY OF STATE