



2020 South Dakota Legislature

House Bill 1195

SENATE STATE AFFAIRS ENGROSSED

*Introduced by: **Representative** Gosch*

- 1 **An Act to provide an affirmative defense to pregnant women for certain controlled**
2 **substance offenses.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-42-23. Controlled Substance--Pregnant--Assault.**

6 If a woman is charged with violating § 22-42-5 or 22-42-5.1 and she was pregnant
7 when the violation occurred, it is an affirmative defense to the charge if the woman
8 provides proof that she:

- 9 (1) Received adequate prenatal care from a licensed health care professional during
10 her pregnancy;
11 (2) Actively enrolled in an addiction recovery program before the child was born;
12 (3) Remained in the program after delivery; and
13 (4) Successfully completed the program.