



2020 South Dakota Legislature

**House Bill 1195**

**ENROLLED**

AN ACT

**ENTITLED An Act to provide for the dismissal of charges against pregnant women for certain controlled substance offenses under certain circumstances.**

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

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

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

If a woman who was pregnant at the time of an alleged violation of § 22-42-5 or 22-42-5.1 provides evidence that she:

- (1) Received adequate prenatal care from a licensed health care professional during her pregnancy;
  - (2) Actively enrolled in an addiction recovery program before the child was born;
  - (3) Remained in the program after delivery; and
  - (4) Completed the addiction recovery program,
- the state shall dismiss the charge.

An Act to provide for the dismissal of charges against pregnant women for certain controlled substance offenses under certain circumstances.

I certify that the attached Act originated in the:

House as Bill No. 1195

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,

2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1195  
File No. \_\_\_\_  
Chapter No. \_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State