

ABORTION ACCESS IN SD

AND WHAT IT COULD MEAN IN A POST-ROE AMERICA



For decades, legislators have been working overtime to destroy access to abortion — state by state, law by law. Now, with the increasing likelihood that the Supreme Court will overturn *Roe v. Wade*, our constitutional right to an abortion is on the line.

We know you have questions. The ACLU of South Dakota has answers.

WHAT IS SOUTH DAKOTA'S CURRENT LAW? Abortion is legal in South Dakota up to 20 weeks post fertilization. Still, there are many legal restrictions:

- A patient must receive state-directed mandatory counseling that includes information discouraging abortion care.
- After the first visit to the clinic, a patient must wait 72 hours before receiving abortion care, thereby necessitating two trips to the facility. The 72-hour waiting period does not include weekends or holidays.
- Health care coverage for abortion under the Affordable Care Act is only available if the patient's life is in danger.
- A parent of a minor must be notified before an abortion is provided.
- Public funding for abortion care is only available if the patient's life is in danger.
- The state prohibits abortions performed for the purpose of sex selection or in response to genetic anomalies.

WHAT HAPPENS IF THE SUPREME COURT OVERTURNS *ROE V. WADE*? South Dakota lawmakers passed a “trigger ban” in 2005. The trigger ban is a state law designed to go into effect as soon as the Supreme Court grants states the authority to ban abortions, which is what the leaked draft opinion suggests.

WHAT DOES THAT MEAN FOR SOUTH DAKOTA? If *Roe* is overturned, abortion will immediately become a criminal act in South Dakota, except in situations to preserve the life of the pregnant person. Otherwise, anyone who administers, prescribes or procures any medicine, drug, or substance or uses or employs any instrument or other means with intent thereby to procure an abortion, is guilty of a Class 6 felony.

This means people would have to travel out of state to for abortion care – something that's impossible for many and would disproportionately affect people of color and people with lower incomes.

WHAT ELSE COULD HAPPEN? We know that abortion opponents won't stop with overturning *Roe*. Many states have signaled an intent to apply their abortion laws outside their own state borders and politicians are already sharing plans to further criminalize abortion providers and patients. Discussions about calling special legislative sessions to pass additional restrictions have already begun. It's clear that activists and politicians won't stop until they have secured a nationwide ban on abortion.

Further, the same politicians in our state and across the country will likely attack our right to get birth control and marry who we love. Our fundamental rights are under attack right now and we have to mobilize to ensure our communities are protected.

WHAT CAN I DO?

Commit to defending abortion rights and we'll be in touch with specific steps you can take. Use the QR code below to add your name today.

