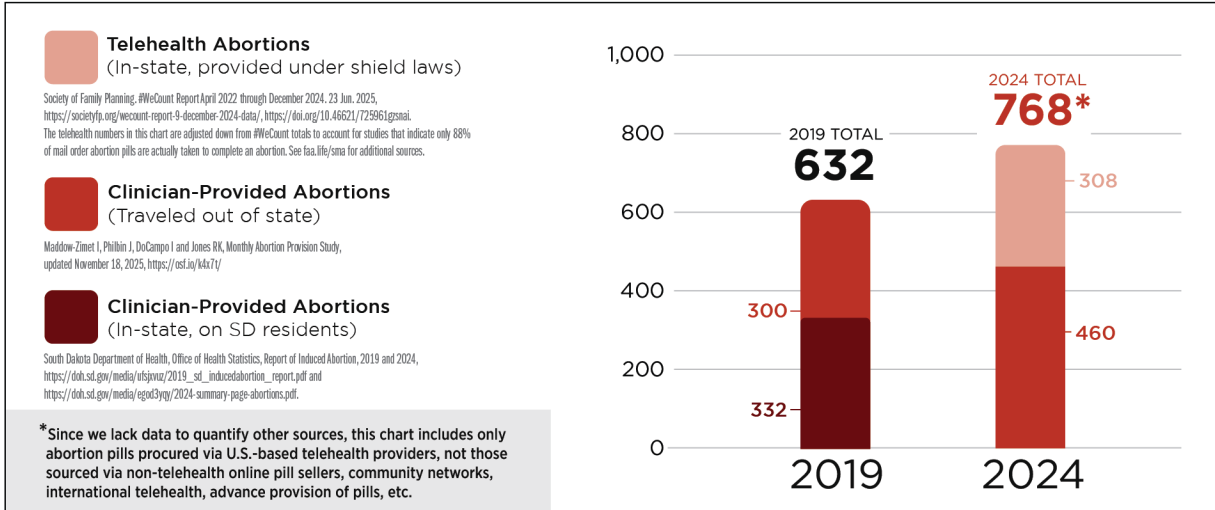


To Abolish Abortion in South Dakota

South Dakota

OVERALL ABORTION NUMBERS ARE INCREASING



HB 1212 Follows God’s Word

- “So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets.” THE GOLDEN RULE. MATT. 7:12.
- “You shall love your neighbor as yourself.” MARK 12:31.
- “You shall not be partial in judgment.” DEUT. 1:17
- If we truly believe that a fetus is a person made in the image of God, then to be consistent with the Constitution and God’s word the laws which protect human beings who are born must equally protect those who are not yet born.

What Does the Bill Do?

- Ensures that preborn people in South Dakota are protected by the same homicide and assault laws that protect born people.
- Closes loopholes in South Dakota law that keep self-induced abortion legal for women in South Dakota.

Abortions in South Dakota Continue

- Despite the recently enacted Human Life Protection Act, South Dakota babies are still being aborted on a horrific scale. Based on conservative projections, over 768 South Dakota preborn babies were legally murdered in 2024 as allowed by current South Dakota law.¹ Over 460 occurred out of state,² while another 308 South Dakota mothers legally performed DIY at-home abortions using the abortion pill.³

Republican Mandate

- The South Dakota Republican Party Platform reads, “We believe that life begins at conception. We affirm the sanctity of all human life, including the unborn... We oppose abortion and assisted suicide in all forms.” The South Dakota Prenatal Equal Protection Act is the only proposal consistent with this bold stance.⁴

Section-by-Section
BILL OVERVIEW

faa.life/sd-2026-1



1 South Dakota Code 34-23A-10.2, 34-23A-64, 34-23A-69, and 34-23A-90.

2 Maddow-Zimet I, Philbin J, DoCampo I and Jones RK, Monthly Abortion Provision Study, updated November 18, 2025, <https://osf.io/k4x7l/>

3 Society of Family Planning, #WeCount Report April 2022 through December 2024. 23 Jun. 2025, <https://societyfp.org/wecount-report-9-december-2024-data/>, <https://doi.org/10.46621/725961gzsnai>. The telehealth numbers in this chart are adjusted down from #WeCount totals to account for studies that indicate only 88% of mail order abortion pills are actually taken to complete an abortion. See faa.life/sma for additional sources.

4 “Platform,” South Dakota Republican Party, accessed October 06, 2025, <https://www.sdgp.org/platform>.

HB 1212 Stops Denying Equal Protection

- The 14th Amendment of the U.S. Constitution provides, “No state shall... deny to any person within its jurisdiction the equal protection of the laws.”
- The failure of states’ pre-1973 laws to provide equal protection is the leading reason why we lost *Roe v. Wade*.

As the U.S. Supreme Court itself said in *Roe v. Wade*, “When Texas urges that a fetus is entitled to Fourteenth Amendment protection as a person, it faces a dilemma... If the fetus is a person, why is the woman not a principal or an accomplice?... If the fetus is a person, may the penalties be different?” 410 U.S. 113, 157-58 n. 54 (1973).

FAQ *Equal Protection*

Does the bill criminalize women?

No. The bill criminalizes the act of knowingly and willfully killing a preborn child.

As a deterrent, **the bill does prohibit everyone, including pregnant mothers, from engaging in the unlawful act of prenatal homicide.**

Once the bill is enacted, the justice system would determine case-by-case whether any report of prenatal homicide would be investigated and prosecuted and for what charge, and whether anyone would be convicted. This justice system includes:

- Law enforcement
- Prosecutors
- Grand juries
- Trial juries
- Judges
- Multiple appellate courts

Before any sentence could be imposed, the actors in the justice system would have to nearly unanimously agree that the process and outcome were just.

Could anyone who has been involved with an abortion in the past be prosecuted?

No. Retroactive application is explicitly prohibited by the South Dakota and U.S. constitutions and by the bill itself.

Could the bill punish women who have had miscarriages?

No. The bill explicitly states that it does not apply to miscarriages.

Did the Human Life Protection Act significantly reduce abortions in South Dakota?

No. It only regulates abortion by prohibiting third-parties like clinics from performing abortions.

However, it allows pregnant mothers to “self-induce” their own abortions throughout the pregnancy. This also means that, up to a point, it remains legal for others to pressure pregnant mothers into aborting their babies.

Would the bill allow doctors to deal with medical emergencies like ectopic pregnancies?

Yes. The bill explicitly allows this.