

CHAPTER 44:67:04

FACILITY AND RELATED CARE SERVICES

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44:67:04:13. Mifepristone and Misoprostol administration for medical abortion.

For the purpose of inducing a medical abortion, a pregnant woman may only take the medications Mifepristone or Misoprostol up to nine weeks after conception. Mifepristone and Misoprostol must be prescribed and dispensed by a licensed physician in a licensed abortion facility consistent with SDCL chapter 34-23A and in compliance with the applicable requirements in SDCL chapter 36-4.

A pregnant woman may only take Mifepristone at a licensed abortion facility and only after informed consent has been obtained pursuant to SDCL 34-23A-10.1 and consistent with SDCL 34-23A-56. Before dispensing Mifepristone, a physician shall provide the notice required by SDCL 34-23A-10.1(1)(h) and 34-23A-10.1(3) ensuring that the pregnant woman has notice that if she changes her mind about the medical abortion and decides to carry the baby to term, it is possible to reverse the effects of Mifepristone. After taking Mifepristone and undergoing an observation period in the abortion facility, the pregnant woman may return home. Between 24-72 hours after taking Mifepristone, if the pregnant woman decides to continue with the medical abortion, the pregnant woman must return to the licensed abortion facility to receive the proper amount of Misoprostol. A licensed physician shall dispense the Misoprostol to the pregnant woman in the same manner as required for Mifepristone under this section. Neither Mifepristone nor Misoprostol may be dispensed for the purpose of inducing a medical abortion in any manner contrary to this section. The abortion facility staff shall monitor the pregnant woman for complications for a medically necessary period following each administration of the abortion-inducing medications and report the following information to the Department of Health:

- (1) Any complication that requires medical follow-up;
- (2) The medical follow-up that was required resulting from any complication;
- (3) The facility where the medical follow-up was performed; and
- (4) If the pregnant woman was sex trafficked.

The abortion facility staff shall schedule a follow-up appointment with the pregnant woman to return to the abortion facility on the 14th day after taking the medication to confirm that the fetus, placenta, and membranes have been fully expelled.

For the purposes of this section, the term, medical abortion, means a procedure that uses medication to end a pregnancy.

General Authority: SDCL 34-23A-51(7), (10), (11)

Law Implemented: SDCL 34-23A-10.1(3); 34-23A-19; 34-23A-56