



Frequently Asked Questions

AMENDMENT G

What is Amendment G?

Amendment G (the “abortion amendment”) is a measure on the ballot in the November 5, 2024 election that would place in the South Dakota Constitution a right to have an abortion at any point during pregnancy, even late in pregnancy when a preborn child is capable of living outside the womb.

How would Amendment G affect our existing abortion laws in South Dakota?

The South Dakota Attorney General has stated that Amendment G “would override existing laws and regulations concerning abortion.” Most state laws on abortion enacted over the last several decades would be thrown out or severely weakened, including laws that are designed to protect the health and safety of girls and women, and prevent coerced abortions.

How would Amendment G affect laws to protect women’s health and safety?

During the first trimester of pregnancy, when most abortions occur, Amendment G says, “...the State **may not regulate** a pregnant woman’s abortion decision **and its effectuation**, which must be left to the judgment of the pregnant woman” (emphasis added). The word “effectuation” means “carrying out” or “bringing about.” This means there can be no state regulation whatsoever on how an abortion is carried out. For example, laws requiring that abortions be performed by a licensed physician and in a clinic that meets certain health and safety standards would be prohibited by Amendment G, because such requirements are regulating the “effectuation” of an abortion. Amendment G endangers women’s lives by subjecting them to completely unregulated abortions.

How would Amendment G affect laws designed to prevent coerced abortions?

Current South Dakota law requires that, before an abortion can be performed, the pregnant woman must be screened to determine if she is being coerced or pressured to have an abortion. However, since this requirement regulates the “effectuation” of an abortion, it would be prohibited under Amendment G.

Does Amendment G allow late-term abortions?

Yes. It permits abortions in the second trimester of pregnancy for any reason. The second trimester ends at 27-28 weeks. By this point a large majority of babies are capable of surviving outside the womb. Amendment G thus allows painful, late-term abortions of perfectly healthy, viable babies who could be delivered and allowed to live. Even in the third trimester of pregnancy, which extends from 28 weeks until birth, Amendment G requires that abortions be allowed to “preserve the... health of the pregnant woman.” But it does not define what “health” means. Previous court rulings have defined “health” as any factor that relates to a person’s “well-being,” such as emotional, psychological, and family issues.

Would a health reason have to be serious to permit a third trimester abortion?

No. Any factor that can be reasonably related to a person’s “well-being” would be sufficient grounds to justify an abortion in the third trimester. Under Amendment G, only the abortionist who is being paid to do the abortion has authority to decide if it’s necessary. The plain text of Amendment G does not allow any other authority (such as the legislature or a medical licensing board) to set parameters on when an abortion would be considered necessary for “health” reasons.

But do late-term abortions really happen?

Yes, in states with laws similar to Amendment G, such as New York and California. According to data from the U.S. Centers for Disease Control, approximately 10,000 late-term abortions occur every year in these states. Passage of Amendment G would allow such late-term abortions to take place in South Dakota.

Doesn't Amendment G simply add *Roe v. Wade* to the state constitution?

No. Although Amendment G mimics the U.S. Supreme Court's *Roe v. Wade* decision with its division of pregnancy into trimesters, its language differs from *Roe* in significant and far-reaching ways. During the nearly 50 years that *Roe* was in effect, many common-sense regulations of abortion were permitted, such as a requirement that women receive counseling about the health risks of abortion and receive information about alternatives to abortion. *Roe* also allowed laws requiring that a parent be notified before an abortion is performed on a minor. Unlike *Roe*, however, Amendment G prohibits any state regulation during the period when most abortions occur (the first trimester). The language in Amendment G is clear and unambiguous: "...the State **may not regulate** a pregnant woman's abortion decision and its effectuation..." This "may not regulate" language contains no exceptions. It requires the complete deregulation of abortion—something that did not occur under *Roe v. Wade*.

If Amendment G is passed, can the legislature modify it?

No. Amendment G would become part of the state constitution. The legislature has no unilateral authority to change the language of the constitution.

Is Amendment G needed to ensure that women can receive care for miscarriages or treatment for ectopic pregnancies?

No. South Dakota's current laws clearly allow women to receive whatever care they require for these conditions. In the case of miscarriage, the preborn child has already passed away, and thus miscarriage treatment is not considered an abortion. South Dakota law defines abortion as "the intentional termination of the life of a human being in the uterus" (SDCL 34-23A-1), whereas a miscarriage refers to the unintentional death by natural causes of the preborn child. In the case of ectopic pregnancy, this is a life-threatening condition. South Dakota law already permits abortions whenever there is "appropriate and reasonable medical judgment that performance of an abortion is necessary to preserve the life of the pregnant female" (SDCL 22-17-5.1).

What does the Catholic Church teach about abortion?

The Catechism of the Catholic Church (CCC) states: "Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable. Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law" (CCC 2271). The Second Vatican Council declared, "from the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes" (*Gaudium et Spes*, 51).

How is the Catholic Church helping pregnant women in need?

The Catholic Church in South Dakota is committed to meeting the needs of women and families facing challenging pregnancies and does so through a variety of agencies and programs. Catholic programs at the diocesan and parish level help with adoption, parenting education, housing, counseling and meeting material needs (e.g., food, diapers, clothing). Parishes and Catholic lay organizations such as the Knights of Columbus provide funding and volunteers for the network of non-profit pregnancy resource centers that are found in every major community in South Dakota.

How can I help defeat Amendment G?

First, pray and fast. Second, visit your polling place on November 5, 2024 and vote NO on Amendment G. Encourage your friends, family members, co-workers, etc., to do the same. Third, give practical assistance to the campaign to defeat Amendment G by donating or volunteering your time.

Learn how by visiting www.NoOnGsd.com



www.sfcatholic.org/respectlife