FOR AN ACT ENTITLED, An Act to prohibit the advertising of adoptions under certain circumstances.

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

Section 1. No person or entity may advertise or cause to be published, within the state, an advertisement or notice of a child offered or wanted for adoption. No person or entity may hold oneself out through an advertisement as having the ability to place, locate, or receive a child for adoption. This section does not apply to the Department of Social Services, a licensed child placement agency as defined in § 26-6-14, or an attorney licensed in the State of South Dakota.

Section 2. For the purposes of this Act, an advertisement means any communication by newspaper, radio, television, handbill, placard, telephone directory, or other print, broadcast, or electronic medium.

Section 3. No person may publish or cause to be published, within this state, any advertisement or notice of a child offered or wanted for adoption. A violation of this section is a Class 2 misdemeanor. This section does not apply to any advertisement placed by the
Department of Social Services, a licensed child placement agency as defined in § 26-6-14, or an attorney licensed in the State of South Dakota.