



2025 South Dakota Legislature

Senate Bill 100

SENATE ENGROSSED

Introduced by: Senator Voita

1 **An Act to limit the imposition of restrictions on the carrying of a concealed pistol**
2 **and other items of self-defense while on the campus of a public institution of**
3 **higher education.**

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

5 **Section 1. That a NEW SECTION be added to chapter 13-39A:**

6 Except as otherwise provided in section 2 of this Act, neither the South Dakota
7 Board of Technical Education nor any institution under the control of the board may restrict
8 or limit the lawful carrying, possession, storage, or transportation of:

9 (1) A concealed pistol, as defined in § 22-1-2, and compatible ammunition, by any
10 individual holding an enhanced permit, a restricted enhanced permit, or a
11 reciprocal permit in accordance with chapter 23-7, within the boundaries of the
12 institution, or while in any building or structure owned or leased by the board or
13 the institution;

14 (2) A stun gun, as defined in § 22-1-2, by any individual within the boundaries of the
15 institution, or while in any building or structure owned or leased by the board or
16 the institution; or

17 (3) Mace, pepper spray, or other chemical irritant by any individual within the
18 boundaries of the institution, or while in any building or structure owned or leased
19 by the board or the institution.

20 **Section 2. That a NEW SECTION be added to chapter 13-39A:**

21 The South Dakota Board of Technical Education or an institution under the control
22 of the board may restrict or limit the lawful carrying or possession of any item referenced
23 in subdivision (1), (2), or (3) of section 1 of this Act:

24 (1) In a clearly designated portion of a building or structure, only if any of the following
25 are present:

- 1 (a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R.
2 § 1910.106 (January 1, 2025);
3 (b) Significant quantities of hazardous materials classified as Category 3 or
4 higher by the 704 Hazard Identification System of the National Fire
5 Protection Association;
6 (c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer
7 gases classified as Category 2 or higher by the 704 Hazard Identification
8 System of the National Fire Protection Association;
9 (d) L-size cylinders of acetylene gas; or
10 (e) Magnetic resonance imaging equipment or nuclear magnetic resonance
11 equipment;
12 (2) In a room used for manufacturing or scientific research, if the concentration of
13 airborne particles is controlled in order to maintain an environment with minimal
14 pollutants;
15 (3) In a clearly designated portion of a building or structure to which a facility security
16 clearance applies or for which a federal security clearance is required; or
17 (4) In a building or structure during a special event, provided metal detectors and
18 armed security personnel are present at every public entrance to restrict the
19 possession of any dangerous weapon.
20 Whenever an individual is not carrying or in possession of any item referenced in
21 subdivision (1), (2), or (3) of section 1 of this Act, the individual shall store the item in a
22 locked case or safe.
23 Nothing in this section may be construed to prohibit, restrict, or limit the lawful
24 carrying of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act,
25 beyond that which is necessary to maintain safety, security, or cleanliness within the
26 designated area.

27 **Section 3. That a NEW SECTION be added to chapter 13-53:**

- 28 Except as otherwise provided in section 4 of this Act, neither the Board of Regents
29 nor any institution under the control of the board may restrict or limit the lawful carrying,
30 possession, storage, or transportation of:
31 (1) A concealed pistol, as defined in § 22-1-2, and compatible ammunition, by any
32 individual holding an enhanced permit, a restricted enhanced permit, or a
33 reciprocal permit in accordance with chapter 23-7, within the boundaries of the

- 1 institution, or while in any building or structure owned or leased by the board or
2 the institution;
- 3 (2) A stun gun, as defined in § 22-1-2, by any individual within the boundaries of the
4 institution, or while in any building or structure owned or leased by the board or
5 the institution; or
- 6 (3) Mace, pepper spray, or other chemical irritant by any individual within the
7 boundaries of the institution, or while in any building or structure owned or leased
8 by the board or the institution.

9 **Section 4. That a NEW SECTION be added to chapter 13-53:**

- 10 The Board of Regents or an institution under the control of the board may restrict
11 or limit the lawful carrying or possession of any item referenced in subdivision (1), (2), or
12 (3) of section 3 of this Act:
- 13 (1) In a clearly designated portion of a building or structure, only if any of the following
14 are present:
- 15 (a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R.
16 § 1910.106 (January 1, 2025);
- 17 (b) Significant quantities of hazardous materials classified as Category 3 or
18 higher by the 704 Hazard Identification System of the National Fire
19 Protection Association;
- 20 (c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer
21 gases classified as Category 2 or higher by the 704 Hazard Identification
22 System of the National Fire Protection Association;
- 23 (d) L-size cylinders of acetylene gas; or
- 24 (e) Magnetic resonance imaging equipment or nuclear magnetic resonance
25 equipment;
- 26 (2) In a room used for manufacturing or scientific research, if the concentration of
27 airborne particles is controlled in order to maintain an environment with minimal
28 pollutants;
- 29 (3) In a clearly designated portion of a building or structure to which a facility security
30 clearance applies or for which a federal security clearance is required; or
- 31 (4) In a building or structure during a special event, provided metal detectors and
32 armed security personnel are present at every public entrance to restrict the
33 possession of any dangerous weapon.

1 Whenever an individual is not carrying or in possession of any item referenced in
2 subdivision (1), (2), or (3) of section 3 of this Act, the individual shall store the item in a
3 locked case or safe.

4 Nothing in this section may be construed to prohibit, restrict, or limit the lawful
5 carrying of any item referenced in subdivision (1), (2), or (3) of section 3 of this Act,
6 beyond that which is necessary to maintain safety, security, or cleanliness within the
7 designated area.