STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2022-07

Whereas, On March 29, 2021, I, Kristi Noem, Governor of the State of South Dakota, issued Executive Orders 2021-05 and 2021-06 declaring that only females shall participate in female sports in both our state's K-12 athletics and in our higher education institutions; and,

Whereas, These Orders were necessary for the protection of fairness in women's athletics guaranteed by Title IX of the Higher Education Amendments of 1972 and the Equal Protection Clause of the Fourteenth Amendment; and,

Whereas, The 97th Legislature also deemed it fitting and proper to protect fair competition for all females, based on their biology, and passed Senate Bill 46, to be a statutory, permanent protection, effective on July 1, 2022; and,

Whereas, On September 7, 2021, I, Kristi Noem, Governor of the State of South Dakota, issued Executive Order 2021-12 directing the South Dakota Department of Health to begin rulemaking regarding dangerous abortion-inducing drugs and telemedicine; and,

Whereas, This Order was necessary to protect South Dakota women from the rapid proliferation of dangerous abortion-inducing drugs sold online and to ensure any and all medicines, drugs, or other substances prescribed or dispensed with the intent of terminating a pregnancy shall only be dispensed by a South Dakota-licensed physician and to prohibit the direct supply of these drugs to women via courier, delivery, telemedicine, or mail service; and,

Whereas, The United States Supreme Court published *Dobbs v. Jackson Women's Health Organization*, which overruled *Roe v. Wade* and its progeny on June 24, 2022 and returned the issue of abortion to the States; and,

Whereas, The State of South Dakota's conditional law, known as a "trigger law" is codified at SDCL 22-17-5.1 and establishes a Class 6 Felony for "[a]ny person who administers . . . any medicine, drug, or substance . . . with the intent thereby to procure an abortion," except in the instance where an abortion is necessary to preserve the mother's life, and this law is now effective post-*Dobbs*:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of the State, do hereby Order and Direct that Executive Orders 2021-05, 2021-06, and 2021-12 are no longer necessary due to the above actions of our state Legislature and the United States Supreme Court and are rescinded on July 1, 2022.

Dated in Pierre, South Dakota, this 30th day of June, 2022.

Kristi Noem
Governor of South Dakota

ATTEST:

, Deputy
Steve Barnett
Secretary of State