STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2023-07

Whereas, Shortages of critical medications present serious health and national security risks that carry devastating, yet avoidable consequences for individuals who take prescription and over-the-counter medications; and,

Whereas, Medication shortages in the United States increased by thirty percent from 2021 to 2022 and reached a five-year high at the end of 2022, with 295 active drug shortages; and,

Whereas, These shortages have cascading effects on patient care, causing delays in treatment, increasing the risk of medication errors, and requiring the use of less effective alternative treatments; and,

Whereas, In the face of dwindling medication stockpiles, medical professionals may be confronted with the need to ration healthcare, create medications with substituted ingredients, or use medications off-label with potentially dangerous consequences; and,

Whereas, Medication shortages negatively impact all South Dakotans who rely upon consistent medications and has caused a public health crisis; and,

Whereas, Continued overreliance on foreign sources for medications and their raw materials contributes to this issue; and,

Whereas, Approximately ninety percent of all generic drug production facilities are in China and India, placing the United States and South Dakota at China's mercy for vital health care supplies, from saline to cancer treatments, and anesthetics to pain killers; and,

Whereas, Dependence upon foreign countries cripples our ability to respond swiftly and effectively to local health emergencies and pandemics, and failing to produce key medications in the United States creates national security risks; and,

Whereas, Lack of transparency in the pharmaceutical supply chain limits the ability to identify and address critical medication shortages; and,

Whereas, Efforts by the industry to prevent and mitigate drug shortages remain insufficient:

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, by the authority vested in me by the Constitution and Laws of the State, do hereby Order and Direct the Department of Health to investigate the medication shortages in South Dakota to determine the extent of this State's reliance upon foreign-sourced medications and raw materials. Further, the Department of Health shall identify all opportunities to mitigate medication or raw material shortages in South Dakota.

BE IT FURTHER ORDERED, The Department of Health shall provide a report to the Office of the Governor no later than June 12, 2023, detailing possible actions to mitigate medication or raw material shortages in South Dakota. The report shall detail any possible actions the State of South Dakota may take, as well as any possible federal solutions to this public health crisis through legislation or regulatory action, including the Federal Drug Administration.

Dated in Pierre, South Dakota, this 11th day of May 2023.

Kristi Noem
Governor of South Dakota

ATTEST:

Monae L. Johnson
Secretary of State