



— STATE OF SOUTH DAKOTA —  
**OFFICE OF THE GOVERNOR**  
KRISTI NOEM | GOVERNOR

March 29, 2021

Dear Legislative Leaders,

I continue to believe that we need to act to protect fairness in women's sports. Today, I have signed two executive orders: one to protect fairness in K-12 athletics, and another to do so in college athletics. My executive orders protect fairness in women's sports, and the orders resolve the serious drafting errors I identified that made HB 1217 significantly different from any other state legislation pending across the country.

I raised four concerns in my proposed style-and-form revisions: 1) the performance-enhancing drug ban section, which is not limited to protecting girls sports; 2) the cause of action section which would have turned any failure to make a sports team into a litigation hazard; 3) the onerous paperwork requirement, which required every parent of a school-aged child to turn in paperwork every year that identified whether the parent's child was a boy or girl and to address whether their child has taken performance-enhancing drugs in the last year; and 4) the provision on applying the law at the collegiate level.

As things stand today, four states other than South Dakota have taken action on this topic. Many like to say I should have just signed HB 1217 like those Governors signed the legislation they were presented— but those bills were different than the bill the South Dakota Legislature delivered to me. That fact is undeniable to anyone who studies the bills.

My executive orders temporarily address the problem, but I want to see this issue resolved through legislation. There are three issues developing that may require further legislative action in the coming weeks: first, fairness in women's sports; second, the implementation of medical marijuana will require consideration of additional legislation; and third, the latest Covid-19 relief bill may require action once we fully understand its impact on our state budget.

I will be working with legislative leaders to schedule a special legislative session in late May or early June to consider these issues. On the protecting fairness in women's sports issue, I am asking legislators to consider my proposed changes to HB 1217 and the legislation filed in 30 other states. If we focus on solutions, I'm convinced we can find a common-sense conservative path forward that works for South Dakota.

Sincerely,



Kristi Noem  
Governor