



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
KRISTI L. NOEM | GOVERNOR

January 24, 2023

Open Letter Re: Enforcement Against Chemical Abortions by Retail Pharmacies

Dear South Dakota Pharmacist,

In 2022, the United States Supreme Court held that there is no federal constitutional right to an abortion. In doing so, all abortions became illegal in the State of South Dakota, except those necessary to save the life of the mother. This prohibition includes chemical abortions. In South Dakota, any person who administers, prescribes, or procures for any pregnant female any medicine or drug with the intent to induce an abortion is guilty of a felony.

To evade the pro-life evolution of the law, the Food and Drug Administration recently declared that the federal government will permit chemical abortion drugs to be dispensed at all retail pharmacies. Mifepristone, sold under the brand name Mifeprex, when used in conjunction with Misoprostol, is an abortion-inducing drug.

This side-stepping on the part of the FDA permits dangerous, at-home abortions without any medical oversight. It also violates state law that makes dispensing this medication for abortions a felony.

Chemical abortions remain illegal in South Dakota. Under South Dakota law, pharmacies, including chain drug stores, are prohibited from procuring and dispensing abortion-inducing drugs with the intent to induce an abortion, and are subject to felony prosecution under South Dakota law, despite the recent FDA ruling. Their resources should be focused on helping mothers and their babies, both before birth and after.

All abortions, whether surgically or chemically induced, terminate the life of a living human being. South Dakota will continue to enforce all laws including those that respect and protect the lives of the unborn. We trust pharmacists doing business in this state will take the same approach to respecting life.

Sincerely,



Kristi Noem
Governor



Marty Jackley
Attorney General

CC: Board of Pharmacy Board Members, via Executive Director Kari Shanard-Koenders