STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-12

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

Whereas, The World Health Organization has designated COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (CDC) has declared a public health emergency; and,

Whereas, The CDC has issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak; and,

Whereas, Executive Order 2020-04 declared South Dakota to be in a State of Emergency due to the COVID-19 pandemic; and,

Whereas, Executive Order 2020-08 issued guidelines for South Dakota residents due to the COVID-19 pandemic; and,

Whereas, On April 3, 2020, the Governor of the State of South Dakota released projections, developed by the state Department of Health and the state's major health systems, under the direction of the State Epidemiologist, of the potential demand of hospitals due to the novel coronavirus in South Dakota with assumptions based, in part, on the implementation of guidance set forth in Executive Order 2020-08; and,

Whereas, Officials from Sanford Health, Avera Health, and Monument Health have endorsed the April 3, 2020 projections and are working together with the State of South Dakota in a joint effort to coordinate resources for the expected surge in need for hospital beds and related equipment; and,

Whereas, As members of a community, South Dakotans join together in times of crisis to confront difficult times and help their neighbors:

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 this State, including but not limited to SDCL 34-48A, do hereby Order and Direct the following:

Every South Dakotan shall:

1. Review and practice the recommended CDC hygiene practices designed to stop the spread of the disease COVID-19 and encourage others to do so as well.

2. Know the signs and symptoms of COVID-19, call a health care provider if suffering symptoms in advance of a visit to a provider, and stay at home if sick.

3. Understand that those who are particularly vulnerable to COVID-19, including those over age 65 and those with a serious underlying medical condition (including chronic lung disease, severe respiratory disorder, moderate to severe asthma, serious heart or cardiac condition, immunosuppression, diabetes, liver disease, chronic kidney disease or someone undergoing dialysis, or other condition identified by one's medical provider) should take extra precautions and remain home if possible.

4. Implement social distancing measures and consider supporting businesses who are adjusting their business model to reduce the spread of COVID-19.

5. Assist, if possible, those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement.

All employers, both for profit and not-for-profit, within the State of South Dakota shall:

6. Implement the recommended CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease (staggering shifts, flexible schedules, employee screenings, etc.).

7. Understand that the COVID-19 is not a short-term challenge, and operations need to endure a difficult and limited social environment for potentially the next four months or more.

8. Innovate and continue to demonstrate entrepreneurial excellence in their operations during this difficult and uncertain environment.

9. Encourage staff to telework if possible, implement social distancing measures, limit unnecessary work gatherings, limit non-essential travel, and consider regular health checks including CDC guidance for COVID-19 screening if possible.

10. Offer, to the extent possible, special shopping times or access periods for populations particularly vulnerable to COVID-19.

Any "enclosed retail business that promotes public gatherings" within the State of South Dakota shall:

11. Suspend or modify business practices as recommended by CDC guidance that involve ten or more people to be in an enclosed space where physical separation of at least six feet is not possible.

12. Consider offering business models that do not involve public gatherings, including takeout, delivery, drive-through, curb-side service, off-site service, social distancing models, or other innovative business practices that do not involve public gatherings in an enclosed space.

13. Consider business arrangements and innovative ideas intended to support the critical infrastructure sectors, as defined by the Department of Homeland Security.

For the purpose of sections 11 through 13, an "enclosed retail business that promotes public gatherings" means any enclosed facility operating as a bar, restaurant, brewery, cafe, casino, coffee shop, recreational or athletic facility, health club, or entertainment venue.

All healthcare organizations within the State of South Dakota shall:

14. Implement or Continue to follow CDC guidance and maintain their exceptional efforts to prepare for the expected surge of patients needing health care services as a result of the COVID-19 disease.

15. Postpone all non-essential elective surgeries to conserve (and thereby maximize) supplies of personal protective equipment (PPE).

All local and municipal governments within the State of South Dakota shall:

16. Implement the recommended CDC hygiene practices and public employee arrangements designed to reduce the likelihood of spreading the disease, and take action based on facts, data, and science.

17. Restrict public gatherings of ten people or more, unless it is necessary.

18. Review the business practices of each "enclosed retail business that promotes public gatherings" in their community for compliance with this Executive Order and protect the ability of those businesses to innovate.

19. Encourage entrepreneurial innovation in the private sector to provide employment opportunities to protect the continued operation of the free market consistent with recommended CDC hygiene practices and understand that COVID-19 will impact their communities for potentially the next four months or more.

20. Protect the critical infrastructure sectors, as defined by the Department of Homeland Security, such as healthcare services, pharmaceutical industry, and food supply entities, as these sectors have a special responsibility to maintain their normal work schedule.

All South Dakotans are encouraged to:

21. Spend time outdoors while practicing social distancing in compliance with CDC guidelines.

22. Work remotely and/or from home, if possible, and avoid unnecessary outings to public places.

Executive Order 2020-08 is hereby rescinded.

Limitations:

A. This Order should be read in conjunction with the list attached to the Cybersecurity and Infrastructure Security Agency (CISA), U.S. Department of Homeland Security, Guidance on the Essential Critical Infrastructure Workforce second memorandum dated March 28, 2020, or a later updated version.

B. Nothing in this Order prohibits patronizing businesses or organizations that offer essential services and that innovated their operations as guided by this Executive Order to adapt by providing goods and services within the recommended CDC guidelines.

C. This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of South Dakota, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

D. Sovereign nations within the borders of South Dakota should review the matters set forth herein and make their own decisions in accordance with tribal law.

E. This Order is based on developing data, facts, and science and may be rescinded or amended, and shall expire on the earlier of when revoked, superseded, or automatically on May 31, 2020.

Dated in Pierre, South Dakota this 6th day of April, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State