STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-08

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 in more than 100 countries, 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, 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 should:

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 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible.

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

5. **Assist** 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 should:

6. **Implement** the recommended CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease.

7. **Understand** that the COVID-19 is not a short-term challenge, and operations will need to endure a difficult and limited social environment for potentially eight weeks 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 should:

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. **Continue offering** or consider offering business models that do not involve public gatherings, including takeout, delivery, drive-through, curb-side service, off-site services, 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 should:

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 should:

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 eight weeks 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.

Limitations:

A. This Order should be read in conjunction with the list that is attached to the Cybersecurity and Infrastructure Security Agency (CISA) memorandum dated March 19, 2020.
B. 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.
C. 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.
D. 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 2, 2020.

Dated in Pierre, South Dakota this 23rd day of March, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State