SOUTH DAKOTA DEPARTMENT OF HEALTH  
ORDER DECLARING PUBLIC HEALTH EMERGENCY

WHEREAS, The World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, The CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, Social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, In response to the need to implement social distancing all schools in the state have been closed for at least two weeks; and

WHEREAS, On March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, On March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, Executive Order 2020-04 declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19.

NOW THEREFORE, I, KIM MALSAM-RYSDON, Secretary of Health for the State of South Dakota, by the authority vested in me by SDCL ch. 34-22, and the Laws of this State, together with the consent of Governor Kristi Noem, hereby declare that a public health emergency exists in the State of South Dakota, and order as follows:

1. Pursuant to SDCL ch. 34-22, the South Dakota Department of Health has the authority to establish and enforce a system of quarantine against the introduction into the state of any plague or other communicable disease, and may establish and enforce the operations of a state-wide system for communicable disease prevention, control, and treatment.

2. Pursuant to SDCL § 34-22-14, it is the duty of the South Dakota Department of Health to provide for the enforcement of regulations for the control and eradication of communicable diseases, such as COVID-19, through isolation, prevention, and treatment.

3. The disease COVID-19, which is caused by the novel coronavirus, is a severe respiratory disease which is transmitted by person-to-person contact via both airborne and fecal-oral transmission, or by contact with surfaces contaminated by the virus. In
some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death.

4. The South Dakota Department of Health has adopted administrative rules which have established that Corona Virus Respiratory Syndromes, which includes COVID-19, are Category 1 reportable diseases subject to the existing rules and regulations of the South Dakota Department of Health.

5. An outbreak COVID-19 has been confirmed in more than 100 countries, including the United States. Additionally, there are various confirmed cases evidencing the spread of COVID-19 throughout the state of South Dakota.

6. Thus, further spread of COVID-19 is imminent and poses a risk of substantial harm to the affected population as well as the entirety of the state of South Dakota.

7. Pursuant to SDCL § 34-22-43, the South Dakota Department of Health has primary jurisdiction, responsibility, and authority to coordinate and collaborate the response to this public health emergency between state and local authorities and has the power to promulgate rules to implement this response.

8. Each community and political subdivision throughout the state of South Dakota has varying exposures and unique causes of the transmission of the COVID-19 virus within their community.

9. Therefore, due to the unique needs of each political subdivision, and pursuant to the authority set forth in SDCL § 34-22-43 and the remainder of SDCL ch. 34-22, the Department of Health hereby authorizes the various political subdivisions throughout the state of South Dakota to implement preventative measures, consistent with those measures set forth in SDCL ch. 34-22 and the administrative rules thereunder, to control and lessen the spread of COVID-19 in their local communities.

Dated in Pierre, South Dakota this ___ Day of April, 2020.

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Kim Malsam-Rysdon
Secretary of Health