

# TOP HIT: NOEM IS ANTI-ABORTION “ABSOLUTIST” WHO SUPPORTED ABORTION BANS

## Highlights:

- Kristi Noem said she was an anti-abortion absolutist who wanted to see the procedure banned without exception.
- Kristi Noem supported fetal personhood policies and abortion bans at the federal level.
  - Noem repeatedly co-sponsored a nationwide abortion ban while in Congress.
    - The legislation could have also threatened access to the morning-after pill and IUDs.
  - Noem voted at least three times to ban abortion nationwide after 20 weeks of pregnancy.
    - Noem effectively voted twice against allowing exceptions to the 20-week abortion ban if the health of the woman was in danger.
- Kristi Noem supported the overturning of Roe v. Wade.
  - Noem signed an amicus brief submitted to the Supreme Court supporting the reversal of Roe v. Wade and Planned Parenthood v. Casey.
  - Noem heaped praise on the Supreme Court for ending Roe v. Wade.
  - Noem urged senators to vote against legislation codifying the right to an abortion.
- Kristi Noem enacted and defended South Dakota’s law banning abortion in nearly all cases after Roe v. Wade fell.
  - Noem threatened doctors who performed abortions under the law with prosecution.
- Kristi Noem signed legislation to allow people to withdraw their signatures from ballot measures, a move that could help defeat a ballot measure to enshrine some abortion protections in the South Dakota state constitution.
- Kristi Noem created an “unborn person advocate” in her office as governor.
- Kristi Noem supported an abortion ban modeled after a Texas law, which banned abortion before most people know they are pregnant.
  - Noem’s legislation would not have provided exceptions for survivors of rape or incest.
  - Noem’s bill would have left enforcement up to private citizens.
- Kristi Noem worked to make medication abortion harder to obtain.
- Kristi Noem expressed opposition to contraception access.
  - Noem celebrated a Supreme Court decision denying some employees access to affordable contraception.
  - Noem voted to allow employers to opt-out of providing contraception through the Affordable Care Act.
- Kristi Noem supported antagonizing and defunding Planned Parenthood.
  - Noem voted at least 12 times to defund Planned Parenthood.
  - Noem voted to authorize a congressional investigation into Planned Parenthood.
- Kristi Noem opposed federal funding for abortion care.
- Kristi Noem signed legislation to require sonograms for pregnant patients seeking abortions.
  - Guttmacher called the laws an effort to “dissuade an individual from obtaining an abortion,” while noting that the sonogram could impact the cost.
- Kristi Noem revived a decades-old South Dakota case requiring a crisis pregnancy center consultation before an abortion.

- Kristi Noem repeatedly voted to allow and support providers, hospitals, and insurance companies to opt-out of covering or providing abortion.
- Kristi Noem signed legislation to ban abortions based on a Down syndrome diagnosis.
- Kristi Noem voted to create criminal penalties for sex-selective abortions.
- Kristi Noem supported so-called “born alive” legislation.

## Noem Said She Was An Anti-Abortion Absolutist Who Wanted To See The Practice Banned Without Exceptions

### NOEM SAID SHE WAS WAS AN ANTI-ABORTION ABSOLUTIST WHO WANTED TO SEE ABORTION BANNED WITHOUT EXCEPTION

**Noem Told Argus Leader She Was Absolutist In Supporting A Complete Ban On Abortion Without Exceptions.** According to the Argus Leader, “This spring, Noem told the Argus Leader she’s an absolutist when it comes to her pro-life stance, desiring a complete ban on abortion without exceptions for rape or incest.” [Argus Leader, [9/2/21](#)]

## Noem Supported Abortion Bans At The Federal Level

### NOEM CO-SPONSORED A NATIONWIDE ABORTION BAN WHILE IN CONGRESS

#### Noem Repeatedly Co-Sponsored The Life At Conception Act

*2017: Noem Co-Sponsored The Life At Conception Act*

**2017: Noem Co-Sponsored The Life At Conception Act.** [H.R. 681, Co-Sponsors, [1/24/17](#)]

*2015: Noem Co-Sponsored The Life At Conception Act*

**2015: Noem Co-Sponsored The Life At Conception Act.** [H.R. 816, Co-Sponsors, [2/9/15](#)]

*2013: Noem Co-Sponsored The Life At Conception Act*

**2013: Noem Co-Sponsored The Life At Conception Act.** [H.R. 1091, Co-Sponsors, [3/18/15](#)]

*2011: Noem Co-Sponsored The Life At Conception Act*

**2011: Noem Co-Sponsored The Life At Conception Act.** [H.R. 374, Co-Sponsors, [12/2/11](#)]

#### The Life At Conception Act Would Ban Abortion Nationwide

**UC Davis School Of Law Professor Mary Ziegler On The Life At Conception Act: “It Would Be A Nationwide Abortion Ban.”** According to the Los Angeles Times, “The Life at Conception Act is fewer than 300 words, but its language leaves little room for ambiguity on abortion. The bill, introduced in the U.S. House earlier in the congressional session, seeks ‘equal protection for the right to life of each born and preborn human person,’ specifying that it covers ‘all stages of life, including the moment of fertilization, cloning, or other moment at which an individual member of the human species comes into being.’ Put simply: ‘It would be a nationwide abortion ban,’ said Mary Ziegler, a professor at UC Davis School of Law who studies reproductive rights.” [Los Angeles Times, [8/29/22](#)]

*The Legislation Could Also Threaten Access To The Morning-After Pill And IUDs*

### **Ziegler Claimed The Legislation Could Ban Some Forms Of Contraception, Including The Morning-After Pill.**

According to the Los Angeles Times, “The Life at Conception Act is fewer than 300 words, but its language leaves little room for ambiguity on abortion. The bill, introduced in the U.S. House earlier in the congressional session, seeks ‘equal protection for the right to life of each born and preborn human person,’ specifying that it covers ‘all stages of life, including the moment of fertilization, cloning, or other moment at which an individual member of the human species comes into being.’ Put simply: ‘It would be a nationwide abortion ban,’ said Mary Ziegler, a professor at UC Davis School of Law who studies reproductive rights. [...] Ziegler, the UC Davis law professor, said the legislation’s ban on abortion could also extend to some contraceptives, such as morning-after pills, she said.” [Los Angeles Times, [8/29/22](#)]

**Legal Scholars Said The Legislation Could Threaten Access To IUDs.** According to New York, “The Life at Conception Act is a classic ‘personhood’ bill treating every fetus, embryo, and fertilized ovum as just like me and you when it comes to fundamental rights. While the bill does say it does not ‘authorize the prosecution of any woman for the death of her unborn child,’ there’s no exception to the ‘right to life’ for pregnancies involving rape, incest, or even threats to the life of the mother. Most legal scholars believe ‘personhood’ statutes could ban morning-after pills or the use of IUDs.” [New York, [8/31/22](#)]

## **NOEM VOTED THREE TIMES TO BAN ABORTION NATIONWIDE AFTER 20 WEEKS OF PREGNANCY**

**2017: Noem Voted To Ban Abortion After 20 Weeks Of Pregnancy.** In October 2017, Kristi Noem voted for legislation banning abortion after the fetus is 20-weeks old. According to Congressional Quarterly, “Passage of the bill that would prohibit abortions in cases where the probable age of the fetus is 20 weeks or later and would impose criminal penalties on doctors who violate the ban. It would provide exceptions for cases in which the woman’s life is in danger as well as for pregnancies that are a result of rape for pregnancies that are a result of rape against an adult woman, if the woman received counseling or medical treatment for the rape at least 48 hours prior to the abortion. An exception would be provided for pregnancies resulting from rape or incest against a minor if the rape or incest had been previously reported to law enforcement or another government agency authorized to act on reports of child abuse. The bill would require a second doctor trained in neonatal resuscitation to be present for abortions where the fetus has the ‘potential’ to survive outside the womb.” The vote was on passage. The House passed the bill by a vote of 237 to 189. The Senate took no substantive action on the legislation. [House Vote 549, [10/3/17](#); Congressional Quarterly, [10/3/17](#); Congressional Actions, [H.R. 36](#)]

**2015: Noem Voted For A Bill That Would Prohibit Abortions After 20-Weeks Gestation.** In May 2015, Noem voted for a bill that would prohibit abortions after 20 weeks of gestation and would impose criminal penalties on doctors that violated the ban. According to Congressional Quarterly, the amendment would, “prohibit abortions in cases where the probable age of the fetus is 20 weeks or later and would impose criminal penalties on doctors who violate the ban. It would provide exceptions for cases in which the woman’s life is in danger as well as for pregnancies that are a result of rape if, as amended, for pregnancies that are a result of rape against an adult woman, the woman received counseling or medical treatment for the rape at least 48 hours prior to the abortion. An exception would be provided for pregnancies resulting from rape or incest against a minor if the rape or incest had been previously reported to law enforcement or another government agency authorized to act on reports of child abuse. As amended, the bill would require a second doctor trained in neonatal resuscitation to be present for abortions where the fetus has the ‘potential’ to survive outside the womb, and, if the fetus is born alive, the bill would require that the infant be provided medical care and immediately be transported and admitted to a hospital. As amended, women wishing to have abortions under the bill’s exceptions would need to sign (along with the doctor and a witness) an informed consent authorization form detailing the age of the fetus and stating that, if born alive, would be given medical assistance and transported to a hospital.” The vote was on passage and the House passed the bill 242 to 184. Cloture on the motion to proceed on the bill was blocked in the Senate. [House Vote 223, [5/13/15](#); Congressional Quarterly, [5/13/15](#); Congressional Quarterly, [5/12/15](#); Congressional Actions, [H.R. 36](#)]

- **The Bill Would Have Sentenced Doctors To Up To Five Years In Jail For Violating The Ban.** According to Congressional Quarterly, “The bill imposes criminal penalties on physicians who violate the ban, with violations subject to a maximum five-year jail sentence, fines or both. It prohibits the prosecution of the woman obtaining the abortion, however, either as the perpetrator or as a conspirator to violate the ban.” [Congressional Quarterly, [5/12/15](#)]

**2013: Noem Voted To Ban Abortion After 20 Weeks After Conception.** In June 2013, Noem voted for a bill banning most abortion across the country twenty weeks after conception. According to Congressional Quarterly, “Passage of the bill that would create a nationwide ban on abortions performed at 20 weeks or later, except in cases where the life of the woman is in danger. It would provide exceptions to the ban in cases of pregnancy resulting from rape or incest against a minor, if it has

been reported to law enforcement or a government agency authorized to act on reports of child abuse. It also would impose criminal penalties on physicians who violate the ban and subject violators to a maximum five-year jail sentence, fines or both.” The House approved the bill by a vote of 228 to 196. The bill died in the Senate. [House Vote 251, [6/18/13](#); Congressional Quarterly, [6/18/13](#); Congressional Actions, [H.R. 1797](#)]

- **Just Over 1.3% Of Abortions Occurred At 20 Weeks Or More After Conception.** According to the Associated Press, “According to the Guttmacher Institute, a New York-based reproductive health research organization that supports abortion rights, in 2009, 1.3 percent of the 1.2 million abortions in the country, about 15,600, occurred 20 weeks after the fetus was conceived.” [Associated Press, [6/18/13](#)]
- **Opponents Of Ban Argued That Women In Certain Situations Need Later Abortions To Protect Their Health.** According to NARAL Pro-Choice America, “The reality is that while most women welcome pregnancy and can look forward to a safe childbirth, for some, pregnancy can be dangerous, and abortion restrictions that do not have adequate health exceptions endanger these women. The American College of Obstetricians and Gynecologists, the nation’s leading medical experts on women’s health, has come out in strong opposition to 20-week bans, citing the threat these laws pose to women’s health. [ . . . ] Every pregnancy is different. No politician can possibly decide what is best for a woman and her family in every circumstance.” [NARAL Pro-Choice America, [2013](#)]

### **Noem Effectively Voted Against Allowing Exceptions To A 20-Week Abortion Ban If The Health Of The Woman Was In Danger**

**2017: Noem Effectively Voted Against Allowing An Exception For The Health Of The Mother From A 20-Week Abortion Ban.** In October 2017, Noem effectively voted against an amendment that would have, according to Congressional Quarterly, “add[ed] an exception to the 20-week abortion ban for abortions necessary to save the health of the pregnant woman.” The underlying legislation was a 20-week abortion ban. The House rejected the motion to recommit by a vote of 187 to 238. [House Vote 548, [10/3/17](#); Congressional Quarterly, [10/3/17](#); Congressional Actions, [H.R. 36](#)]

**2015: Noem Effectively Voted Against Allowing An Exception To A 20-Week Abortion Ban If The Health Of The Woman Was In Danger.** In May 2015, Noem effectively voted against an exception to a 20-week abortion ban for when the life of the pregnant woman was at risk. According to the Congressional Quarterly, the legislation was a motion to “recommit the bill to the House Judiciary Committee with instructions to report back immediately with an amendment that would add an exception to the 20-week abortion ban for abortions necessary to save the health of the pregnant woman.” The larger legislation was HR 36, the Pain-Capable Unborn Child Protection Act, which would have prohibited “an abortion from being performed if the probably post-fertilization age of the unborn child is 20 weeks or greater” except where it is necessary to save the life of the mother, or in the case of rape or incest if the woman had had counseling and had reported the incident. The vote was on a motion to recommit with instructions and the House rejected the motion 181 to 246. H.R. 36 passed the House on May 13, 2015 in a vote 242 to 184. The Senate took no substantive action on the legislation. [House Vote 222, [5/13/15](#); Congressional Quarterly, [5/13/15](#); Congress.gov, [5/13/15](#); Congressional Actions, [H.R. 36](#)]

### **NOEM WANTED THE SUPREME COURT TO DECIDE ON “ELIMINATING ABORTION IN THIS COUNTRY”**

**Noem Wanted The Supreme Court To Decide On “Eliminating Abortion In This Country.”** According to KWAT via Soundcloud, “NOEM: So, the Dobbs case we're watching very closely and in support of it. We also know that it won't be very long before South Dakota has their own Supreme Court case that they'll be deciding that also addresses eliminating abortion in this country.” [KWAT via Soundcloud, [12/22/21](#)]

## **Noem Supported The Overturning Of Roe v. Wade**

### **NOEM SIGNED AMICUS BRIEF SUBMITTED TO SUPREME COURT SUPPORTING THE REVERSAL OF ROE V. WADE AND CASEY V. PLANNED PARENTHOOD**

**Noem Signed Dobbs Amicus Brief Which Argued Against Roe v. Wade And Casey v. Planned Parenthood.** According to a New York Times opinion piece from Peter Coy, “A friend-of-the-court brief submitted by 240 ‘women scholars and professionals, and pro-life feminist organizations’ amplifies the state’s case and delves more into economic theory. It disputes the Supreme Court’s ruling in a 1992 case, Planned Parenthood v. Casey, that ‘the ability of women to participate equally in the

economic and social life of the nation has been facilitated by their ability to control their reproductive lives.’ The brief says that women were advancing in society before Roe — challenging the argument that the court’s decision was critical to their advancement — and that women have continued to advance in recent decades, a period when the rate of abortion was steadily declining. Since changes in abortion law occurred at the same time as changes in culture and technology, it’s hard if not impossible to disentangle which factors were responsible for women’s advancement, the brief says. [...] If anything, the brief says, abortion has been bad for women in a variety of ways. ‘The data suggest some correlation between abortion, the feminization of poverty, and women’s declining levels of happiness, including fewer and less satisfying long-term committed relationships with partners and the birth of fewer children than women desire by the end of their reproductive lives,’ the authors write. The majority of the 240 signers on the brief have law or medical degrees. The first signer is Kristi Noem, the Republican governor of South Dakota.” [New York Times Opinion- Peter Coy, [5/20/22](#)]

## **NOEM HEAPED PRAISE ON THE SUPREME COURT FOR ENDING ROE V. WADE**

### **June 24, 2022: The Supreme Court Overturned Roe v. Wade In Dobbs v. Jackson Women’s Health Organization**

**June 24, 2022: The Supreme Court Overturned Roe v. Wade In Dobbs v. Jackson Women’s Health Organization.** According to the New York Times, “The Supreme Court on Friday overturned Roe v. Wade, eliminating the constitutional right to abortion after almost 50 years in a decision that will transform American life, reshape the nation’s politics and lead to all but total bans on the procedure in about half of the states. [...] The case, Dobbs v. Jackson Women’s Health Organization, No. 19-1392, concerned a law enacted in 2018 by the Republican-dominated Mississippi Legislature that banned abortions if ‘the probable gestational age of the unborn human’ was determined to be more than 15 weeks. The statute, a calculated challenge to Roe, included narrow exceptions for medical emergencies or ‘a severe fetal abnormality.’” [New York Times, [6/24/22](#)]

### **Noem Reacted With Glee To The Dobbs Decision**

**Noem Said She Had “Prayed For This Day” When Roe Was Overturned.** According to a tweet from Governor Kristi Noem, “We have prayed for this day, and now it's here.” [Twitter, [@govkristinoem](#), 6/24/22]

**Noem Tweeted “Today, Life Wins” In Response To The Dobbs Decision.** According to a tweet from Kristi Noem, “Today, life wins!” [Twitter, [@KristiNoem](#), 6/24/22]

*Noem Thanked Trump For His Supreme Court Appointments After Roe Was Overturned*

**Noem Thanked Trump For His Supreme Court Appointments After Roe Was Overturned.** According to a tweet from Kristi Noem’s personal account, “Thank you President Trump for your leadership and for the conservative Justices you appointed to the Supreme Court.” [Twitter, [@KristiNoem](#), 6/24/22]

## **NOEM HAD LONG SUPPORTED EFFORTS TO OVERTURN ROE V. WADE**

**Noem Said She Hoped The Supreme Court Would Strike Down Roe v. Wade.** According to the Associated Press, “Noem said in a statement that she was hoping the Supreme Court would strike down Roe v. Wade — the 1973 landmark decision that established a nationwide right to an abortion. South Dakota has a law that would outlaw abortions if that happened. The governor added, ‘But until that comes to pass, these bills will ensure that both unborn children and their mothers are protected in South Dakota.’” [Associated Press, [1/21/22](#)]

**Noem Said She Hoped Roe v. Wade Was Overturned Through The Dobbs Case.** According to a press release from Governor Kristi Noem, “The time is drawing near for the Supreme Court to issue a ruling on the Dobbs case. I hope that case will overturn Roe v. Wade, but until that day, South Dakota will continue to advance legislation that protects the lives of unborn children,’ said Governor Kristi Noem. ‘The two bills that I am signing today are crucial because they are also protections for mothers. We must remember that abortion has two victims: both the unborn child who loses their life and the mother who must go through the physical and emotional trauma of the procedure.’” [Press Release Governor Kristi Noem, [3/23/22](#)]

## **NOEM URGED SENATORS TO “VOTE NO” ON LEGISLATION TO CODIFY THE RIGHT TO ABORTION CARE**

**Noem Urged Senators To “Vote No” On The Women’s Health Protection Act.** According to the governor’s official Twitter account, “Tonight, DC Democrats are trying to advance their abortion-on-demand agenda and sneak in a vote to infringe on unborn children’s right to life. Urge your senator, vote no on the Abortion on Demand Until Birth Act.” [Twitter, @govkristinoem, [2/28/22](#)]

### **The Women’s Health Protection Act Would Have Codified The Right To Abortion Care**

**The Women’s Health Protection Act Would Have Codified The Right To Abortion.** According to NPR, “The Women’s Health Protection Act, a Democrat-led bill that would effectively codify a right to an abortion, failed to pass, as expected, after it did not reach the Senate’s 60-vote threshold.” [NPR, [5/11/22](#)]

## **Following The Reversal Of Roe v. Wade, Noem Enacted South Dakota’s Trigger Law, And Defended It Not Allowing Victims Of Rape Or Incest To Obtain Abortions**

### **NOEM SAID THE WORK DID NOT END WITH SIMPLY BANNING ABORTION**

**Noem: “South Dakota Is Closer Than It Has Ever Been To Banning Abortion — But The Work Doesn’t End There.”** According to South Dakota State News, “South Dakota is closer than it has ever been to banning abortion — but the work doesn’t end there.” [South Dakota State News, [4/14/22](#)]

### **NOEM ANTICIPATED THE ENACTMENT OF SOUTH DAKOTA’S “TRIGGER LAW” WHEN DOBBS DECISION WAS FIRST LEAKED**

**Noem Touted South Dakota’s Trigger Law After Leaked Version Of Dobbs Decision Came Out.** According to WZFG via Soundcloud, “HOST: What would you anticipate the reaction to this would be, assuming the majority opinion holds and is ultimately released by the court, by South Dakota? I assume a special session could follow pretty quickly? NOEM: Well, I’ve already told the people of our state that I would call one if necessary immediately to see if anything needed to be addressed in our state laws. We have a trigger law in the state that would automatically ban abortions, you know, so that is good.” [WZFG via Soundcloud, [5/6/22](#)]

### **FOLLOWING THE OVERTURNING OF ROE V. WADE, NOEM TOUTED SOUTH DAKOTA’S TRIGGER LAW, WHICH BANNED ABORTION IN NEARLY ALL CASES**

#### **After Roe v. Wade Was Overturned, A Law Went Into Effect Banning Abortions In Nearly All Cases In South Dakota**

**South Dakota’s “Trigger Law” Went Into Effect After The Supreme Court Overturned Roe v. Wade.** According to Dakota News Now, “It is now illegal to perform an abortion in South Dakota following a landmark ruling from the Supreme Court. The justices overturned Roe v. Wade in a decision Friday, effectively ending federal protections for abortion rights. South Dakota is one of 13 states with a so called ‘trigger law’ banning abortions the moment Roe v. Wade is overturned. South Dakota’s law not only bans abortions, but deems it a class 6 felony to provide one. Class 6 felonies are punishable by up to two years in prison and/or a \$4,000 fine. The only exception in South Dakota’s law, which the legislature passed in 2005, is if there is an ‘appropriate and reasonable medical judgement’ that an abortion is necessary to preserve the life of the mother.” [Dakota News Now, [6/24/22](#)]

**Noem Said Trigger Law Made All Abortions Illegal In South Dakota Unless Necessary To Save the Life Of The Mother.** According to NPR, “South Dakota Governor Kristi Noem says that as of today, ‘all abortions are illegal in South Dakota ‘unless there is appropriate and reasonable medical judgment that performance of an abortion is necessary to preserve the life of the pregnant female.’” [NPR, [6/24/22](#)]

**Noem Applauded The Supreme Court’s Decision And Said That Abortion Rights Should Be Determined On The State Level.** According to Clay and Travis via Soundcloud, “NOEM: When it comes to life in South Dakota, as far as abortion rights, you know, South Dakota back in 2005 passed a trigger law that said in the event that Roe is overturned, it would become illegal to perform an abortion in our state except to save the life of a mother, so, that is the law of the land

today, and I'm grateful that South Dakota recognizes that every life is precious, I think that the Supreme Court, by fixing this wrong decision that was made almost 50 years ago, has finally done what we've always recognized was the true place this discussion should happen, it should happen at the state level." [Clay and Travis via Soundcloud, [6/30/22](#)]

### *The Law Did Not Make Exceptions For Survivors Of Rape Or Incest*

**South Dakota's Law Did Not Include Exceptions For Victims Of Rape Or Incest.** According to KELO, "Margaret Brennan of CBS News asked Noem questions about how South Dakota will support pregnant people, how she feels about possible exceptions for rape and incest, and if she will try to further block telemedicine abortion. Currently, South Dakota's trigger law does not allow exceptions for victims of rape or incest. [KELO, [6/26/22](#)]

### *South Dakota's Trigger Law Greatly Impacted Access To Medication Abortions*

**Under The Trigger Law, South Dakotans Could No Longer Pick Up Abortion Medication Or Have It Mailed In-State.** According to South Dakota Searchlight, "One of the largest impacts after the South Dakota trigger ban went into effect last summer has been on medication abortions in the state. Gov. Kristi Noem banned telehealth appointments in 2021 for medication abortion, and prohibited the pills from being delivered by mail or courier. She and Attorney General Marty Jackley announced in January the state would prosecute pharmacists who dispense abortion-inducing pills. That means that South Dakotans can no longer pick up abortion medication at their nearby pharmacy or have it mailed inside the state without fear of prosecution. That's why Minnesota-based Just The Pill has had 31 South Dakotans drive just across the border to Minnesota, Wyoming or Montana to receive abortion pills through the mail this year." [South Dakota Searchlight, [5/12/23](#)]

**Costs Could Exceed \$1,000 For Women Who Traveled Out Of State To Receive Abortion Medication Through The Mail.** According to South Dakota Searchlight, "The cost alone for Just The Pill's medication is \$350, Amaon said. Medicaid doesn't cover such costs, and private insurance doesn't typically cover it either. But that doesn't include the cost of gas, plane or bus tickets if the patient doesn't have a vehicle, the cost of food, taking time off work, or arranging child care or lodging. Costs can often exceed \$1,000." [South Dakota Searchlight, [5/12/23](#)]

### Noem Suggested The Law Was About "Rights And Liberties" For Every Life

**Noem Said Abortion Ban Was About "Rights And Liberties" For Every Life.** According to Fox News, "During an interview on 'Fox & Friends Weekend,' Sunday, Republican South Dakota Governor Kristi Noem explained her decision to immediately outlaw abortions in the state, arguing the ban is about 'rights and liberties' for every life. [...] 'I think it's important that this country recognizes that every single life is precious. The decision that we had this week was one that passes now this authority down to the states where elected officials will make those decisions in South Dakota. We had a trigger law in place already. So as of today, abortions are illegal in our state, and they're only allowed to save the life of the mother.' [...] 'And I think it's entirely appropriate that now we focus on taking care of women that are in crisis, that have an unplanned pregnancy, and see what we can do to support them and make sure those babies end up in homes that are good, loving adoptive homes or that we help those parents be parents.'" [Fox News, [6/26/22](#)]

### Noem Defended The Law For Not Providing Exceptions To The Ban For Victims Of Rape Or Incest

**Noem Said States Would Need To Debate Exemptions To Abortion Bans, And That A Presented Example Of A Rape Was "Tragic," But That "Every Life Is Precious."** According to KELO, "Margaret Brennan of CBS News asked Noem questions about how South Dakota will support pregnant people, how she feels about possible exceptions for rape and incest, and if she will try to further block telemedicine abortion. Currently, South Dakota's trigger law does not allow exceptions for victims of rape or incest. Face the Nation played a video clip of comments from GOP Rep. Nancy Mace of South Carolina. Noem said in response that while it is 'tragic' that Mace had to go through that, she believes 'every life is precious.' 'I just have never believed that having a tragedy or a tragic situation happen to someone is a reason to have another tragedy occur,' Noem said. When asked to clarify if she feels there should be no exemptions, Noem said that it will be a debate states have." [KELO, [6/26/22](#)]

*Noem Refused To Answer Whether South Dakota Would Have Required A 10-Year-Old To Carry A Pregnancy To Term Under Its Law*

**Noem Refused To Directly Answer Whether South Dakota Would Force 10-Year-Old To Carry A Pregnancy To Term Under Its Law.** According to Fox News, "South Dakota Gov. Kristi Noem was asked during CNN's 'State of the Union' if

her state would force a 10-year-old to have a baby after a girl in Ohio was denied a procedure due to the state's abortion ban. 'Because this is a trigger law that was passed before you became governor, I wanted you to be clear — will the state of South Dakota going forward force a 10-year-old in that very same situation to have a baby?' CNN's Dana Bash asked the governor during Sunday's show. [...] 'What's incredible is that nobody is talking about the pervert, horrible and deranged individual that raped a 10-year-old, and what are we doing about that?' Noem responded. 'As much as we talk about what we can do for that little girl, I think we also need to be addressing those sick individuals that do this to our children.' [...] 'No, I am never OK with that. In fact, that story will keep me up at night,' Noem said in response. Bash asked if South Dakota would change the law to have an exception, but Noem did not directly address the question. 'How is a 10-year-old girl physically — probably can't even carry a baby without, being never mind emotionally and mentally tormented, but physically hurt. Would you consider that the life of a mother at risk?' Bash asked Noem. Noem said it would be up to the doctors, family members, and those closest to her that would have to make a decision on the matter at hand." [Fox News, [7/3/22](#)]

### **Noem Reiterated That She Did Not Support Abortion In Cases Of Rape Or Incest**

**Noem Reiterated That She Did Not Support Abortion In Cases Of Rape Or Incest.** According to No Spin News via YouTube, "O'REILLY: But rape and incest, what do you, Gov. Noem, would you want to have a law that allows abortion in those cases? Would you? NOEM: You know, I wouldn't, Bill. I think I'd rather see us walk alongside those mothers in crisis. Get them the kind of support, help, mental, and physical treatment that they may need after a tragedy like that. I just can't even imagine what they've gone through. But I also have just never been a believer that the tragedy should be perpetuated or followed up by another tragedy. And we know so much more about what happens to these babies, in the womb, the development, the science has shown us that the pain that they feel. And so in South Dakota, I think that where we stand as far as our law today is somewhere where I'd like to see it remain, but see us much more focus on supporting these women, especially in an unplanned pregnancy or a crisis situation, to where we are helping." [No Spin News via YouTube, [7/1/22](#)]

### **NOEM THREATENED DOCTORS WHO PERFORMED ABORTIONS UNDER THE LAW WITH PROSECUTION**

**Noem Said Doctors Who Performed Abortions Would Be Targeted For Prosecution In South Dakota.** According to The Hill, "South Dakota Gov. Kristi Noem (R) on Sunday said doctors who perform abortions will be targeted for prosecution in her state after a new trigger law went into effect following the Supreme Court's overturning of Roe v. Wade on Friday. Noem told CBS 'Face the Nation' host Margaret Brennan that while South Dakota would charge doctors who violate the abortion ban, the state will not prosecute mothers. 'We'll continue to have those debates on how we can support these mothers and what it means to really make sure we are not prosecuting mothers ever in a situation like this,' she said. 'It will always be focused toward those doctors who knowingly break the law to perform abortions in our state.'" [The Hill, [6/26/22](#)]

### **NOEM SUGGESTED A BABY BOOM WOULD HELP WITH THE DECLINING WORKFORCE IN SOUTH DAKOTA**

**Noem Said She Was Proud Of South Dakota's High Birth Rate And Suggested A Baby Boom Would Help With The Declining Workforce.** According to Watertown Radio via Soundcloud, "NOEM: I'm proud of the fact that South Dakota has the highest birth rate in the nation. You know, you know, we talk about the fact that we value family here and we value people here that are having babies have hope. They want to raise their children here in our state. I think that's something to be proud of. And frankly, when you look across the statistics in the country of declining workforce and not enough people to fill jobs, having a baby boom is not a bad thing. So, if we can give women more options and more information and help them go through that unexpected situation in their life, I think that's a wonderful thing for our state to embrace." [Watertown Radio via Soundcloud, [12/13/23](#)]

### **NOEM SIGNED LEGISLATION FOR THE PRODUCTION OF A VIDEO AND OTHER MATERIALS EXPLAINING SOUTH DAKOTA'S ABORTION BAN**

**Noem Signed Legislation For The Production Of A Video And Other Materials Explaining South Dakota's Abortion Ban.** According to South Dakota Searchlight, "Gov. Kristi Noem signed dozens of bills into law during the past several days, including two related to abortion. One bill requires the production of a video and other materials explaining the state's abortion ban." [South Dakota Searchlight, [3/19/24](#)]

### **South Dakota Became First State With Legislation Clarifying Its Abortion Ban**



**South Dakota Became First State With A “Med Ed” Bill To Clarify When Doctors Can Perform Emergency Abortions To Save The Life Of The Mother.** According to Fox News, “South Dakota became the first state in the nation to end the confusion about the ability of doctors to provide emergency care to pregnant women, which is allowed under every pro-life bill in the country. Gov. Kristi Noem signed the nation’s first so-called ‘Med Ed’ bill that proponents say will protect the health and safety of pregnant women and push back against abortion misinformation confusing some doctors about when they can perform an emergency abortion to save a life. The bipartisan bill aims to educate medical professionals in South Dakota about the state’s life at conception law, including the ability of doctors to provide emergency care to pregnant women, which is protected under every pro-life law in the country. HB 1224 will ‘require the creation of an informational video and other materials describing the state’s abortion law and medical care for a pregnant woman experiencing life-threatening or health-threatening medical conditions,’ the legislation states. The educational materials will be available as direct education for doctors and be established through the state’s Department of Health.” [Fox News, [3/27/24](#)]

## **Noem Signed Legislation That Could Help Defeat A Ballot Measure To Enshrine Some Abortion Protections In The South Dakota State Constitution**

### **NOEM SIGNED LEGISLATION ALLOWING PEOPLE TO WITHDRAW THEIR SIGNATURES FROM BALLOT-QUESTION PETITIONS.**

**Noem Signed Legislation Allowing People To Withdraw Their Signatures From Ballot-Question Petitions.** According to South Dakota Searchlight, “Gov. Kristi Noem signed dozens of bills into law during the past several days, including two related to abortion. One bill requires the production of a video and other materials explaining the state’s abortion ban. Another one allows people to withdraw their signatures from ballot-question petitions, such as one currently circulating that would reinstate abortion rights. [...] The other abortion-related bill, which would allow people to withdraw their signatures from ballot-question petitions, was supported by anti-abortion legislators. They want to block a potential citizen-initiated ballot measure to restore abortion rights.” [South Dakota Searchlight, [3/19/24](#)]

### **Noem’s Law Came As South Dakota Republicans Tried To Thwart A Proposed Ballot Initiative To Enable Voters To Protect Abortion Rights In South Dakota’s Constitution**

**South Dakota Republicans Tried To Thwart A Proposed Ballot Initiative To Enable Voters To Protect Abortion Rights In South Dakota’s Constitution.** According to the Associated Press, “South Dakota’s Republican-led Legislature is trying to thwart a proposed ballot initiative that would enable voters to protect abortion rights in the state constitution. The initiative’s leader says the GOP efforts threaten the state’s tradition of direct democracy. Supporters need about 35,000 valid signatures submitted by May 7 to qualify for the November ballot. Dakotans for Health co-founder Rick Weiland said they already have more than 50,000. Republican lawmakers say the language is too extreme and overwhelmingly adopted a resolution opposing the initiative after grilling Weiland during a committee hearing.” [Associated Press, [3/22/24](#)]

- **The Addition To The State Constitution Would Ban The State From Regulating Abortion In The First Trimester And Allow Some Regulations In The Second And Third Trimesters.** According to the Associated Press, “South Dakota outlaws all abortions except to save the life of the mother under a trigger ban that took effect in 2022 after the U.S. Supreme Court overruled Roe v. Wade. If voters approve it, the three-paragraph addition to the South Dakota Constitution would ban the state from regulating abortion in the first trimester and allow regulations for the second trimester ‘only in ways that are reasonably related to the physical health of the pregnant woman.’ The state could regulate or prohibit third-trimester abortions, ‘except when abortion is necessary, in the medical judgment of the woman’s physician, to preserve the life or health of the pregnant woman.’” [Associated Press, [3/22/24](#)]

## **Noem Created An “Unborn Person Advocate” In Her Office**

### **NOEM CREATED AN “UNBORN PERSON ADVOCATE” POSITION IN HER OFFICE**

**Noem Appointed Mark Miller As “Unborn Child Advocate.”** According to the Rapid City Journal, “The state’s new ‘unborn child advocate’ Mark Miller, who also serves as general counsel to Gov. Kristi Noem, is reviewing South Dakota’s abortion laws at Noem’s direction..” [Rapid City Journal, [9/2/21](#)]

**Miller Was Credited With Advancing Noem's Goal Of Making South Dakota One Of Most "Pro-Life" States In Country.** According to the Federalist Society, "Mark Miller serves as Chief of Staff to South Dakota Governor Kristi Noem and is a member of the Governor's executive team. He also is the Unborn Child Advocate within the Governor's Office, advancing the Governor's goal of making the state the most pro-life state in the country." [Federalist Society, accessed [5/6/22](#)]

## **Noem Supported A Texas-Style Abortion Ban As Governor**

### **AUGUST 2021: TEXAS ENACTED A LAW BANNING ABORTION BEFORE MANY PEOPLE KNOW THEY ARE PREGNANT**

**August 2021: Texas Enacted A Law Banning Abortion Before Many People Know They Are Pregnant.** According to the Texas Tribune, "One of the nation's most restrictive abortion bills — which bans abortions as early as six weeks into pregnancy — took effect at midnight after the U.S. Supreme Court did not take action on an emergency appeal by Texas abortion providers Tuesday. The law prohibits abortions whenever an ultrasound can detect what lawmakers defined as a fetal 'heartbeat,' though medical and legal experts say this term is misleading because embryos don't possess a heart at that developmental stage. Providers and abortion rights advocacy groups say this would affect at least 85% of the abortions taking place in the state. Many people don't know they are pregnant within the first six weeks." [Texas Tribune, [8/31/21](#)]

### **MONTHS LATER, NOEM INTRODUCED A BILL MODELED AFTER THE TEXAS ANTI-ABORTION LAW**

**September 2021: Noem Directed Unborn Child Advocate To Review Texas Law And Compare To South Dakota Laws.** According to the Argus Leader, "Following the Supreme Court's decision to leave the pro-life (Texas) law in place, I have directed the Unborn Child Advocate in my office to immediately review the new (Texas) law and current South Dakota laws to make sure we have the strongest pro life laws on the books in (South Dakota)," Noem said in a statement posted to social media Thursday. [...] Mark Miller, an attorney and legal advisor in the governor's office, fills the role Noem referred to as an 'Unborn Child Advocate' and handles lobbying efforts related to abortion laws during South Dakota's annual lawmaking session in Pierre each winter." [Argus Leader, [9/2/21](#)]

**January 2022: Noem Introduced A Bill To Ban Abortion Styled After Texas, Which Would Ban Abortion Before Some People Know They Are Pregnant.** According to the Associated Press, "South Dakota Gov. Kristi Noem on Friday unveiled a proposal to ban nearly all abortions, mimicking a Texas law that leaves enforcement up to private citizens through lawsuits instead of through prosecutors and criminal charges. The governor has previewed the legislation for weeks, and it has received an enthusiastic reception from fellow Republicans who dominate the Legislature. The law would prohibit abortions once medical professionals can detect fetal cardiac activity, which is usually around the sixth week and is before some women even know they're pregnant." [Associated Press, [1/21/22](#)]

### **Noem's Bill Made No Exceptions For Survivors Of Rape Or Incest**

**Noem's Bill Made No Exceptions For Rape Or Incest.** According to the Associated Press, "Noem's law would punish people who aid someone in getting an abortion with a minimum \$10,000 penalty, in addition to legal fees and other potential compensation. It makes no exception for rape or incest, except stipulating that a man who commits the rape or incest cannot sue." [Associated Press, [1/21/22](#)]

### **Noem's Bill Would Have Left Enforcement Up To Private Citizens Through Lawsuits**

**Noem's Bill Modeled After Texas Law Left Enforcement To Private Citizens.** According to the Associated Press, "South Dakota Gov. Kristi Noem on Friday unveiled a proposal to ban nearly all abortions, mimicking a Texas law that leaves enforcement up to private citizens through lawsuits instead of through prosecutors and criminal charges." [Associated Press, [1/21/22](#)]

**Noem's Bill Set A \$10,000 Penalty For Aiding Someone Seeking An Abortion.** According to the Associated Press, "Noem's law would punish people who aid someone in getting an abortion with a minimum \$10,000 penalty, in addition to legal fees and other potential compensation." [Associated Press, [1/21/22](#)]

## Noem Worked To Make Medication Abortion Harder To Obtain

### NOEM RESTRICTED MEDICATED ABORTIONS THROUGH EXECUTIVE ORDER

**Noem Issued Executive Order To Restrict Medication Abortion, Requiring In-Person Consultation With Physician.** According to the Associated Press, “South Dakota Gov. Kristi Noem on Tuesday issued an executive order to restrict access to abortion medication and make it clear that medicine-induced abortions fall within state law requiring an in-person consultation with a physician. Amid a nationwide push among Republicans to outlaw most abortions, Noem directed the state Department of Health to create rules that abortion-inducing drugs can only be prescribed or dispensed by a state-licensed physician after an in-person examination. South Dakota law already places that requirement on doctors, but the Republican governor’s order was made in anticipation that the Food and Drug Administration later this year will allow abortion medications to be dispensed through the mail or virtual pharmacies. [...] Noem’s order blocks the drugs from being delivered through the mail or other delivery services and outlaws the drugs from being provided in schools or on state property. It also requires licenses for any clinics that only prescribe medicine for abortions and require more stringent reporting on medicine-induced abortions and any health complications related to them.” [Associated Press, [9/7/21](#)]

**Noem’s Executive Order Also Required Patients Seeking Medication Abortion To Go To The Doctor Three Separate Times Instead Of Two.** According to the Associated Press, “South Dakota Gov. Kristi Noem on Wednesday signed a bill that would make the state one of the most difficult places to get abortion pills, though most of the law will not be enacted unless the state prevails in a federal court battle. The Republican governor pushed the legislation this year to enshrine a similar rule from her administration that attempted to require abortion-seekers to make three separate visits to a doctor to take abortion pills.” [Associated Press, [3/23/22](#)]

### A JUDGE HALTED THE SOUTH DAKOTA RULE ON MEDICATION ABORTION, LEADING NOEM TO APPEAL THE RULING

#### After A Judge Granted Injunction On Noem’s Executive Order On Medication Abortion

**A Judge Granted A Request From Planned Parenthood To Issue A Temporary Restraining Order On Noem’s Executive Order.** According to the Associated Press, “A federal judge temporarily halted a South Dakota rule from taking effect that would have made the state one of the hardest places in the U.S. to get abortion pills. U.S. District Judge Karen Schreier late Wednesday granted a request from Planned Parenthood for a restraining order on a state Department of Health rule that was set to go into effect Thursday. Republican Gov. Kristi Noem initiated the rule change through an executive order. It would have required people seeking abortions to return to a doctor to take the second of two drugs used for a medication abortion. Women have been able to receive both drugs in one visit, taking the second medication at home.” [Associated Press, [2/24/22](#)]

*Noem Appealed The Ruling On Three Doctors Visits For Medication Abortions*

#### **Noem Announced Her Administration Will Appeal Federal Ruling That Blocked Her Medical Abortion**

**Ban.** According to KELO, “Governor Kristi Noem said Thursday her administration will challenge a federal judge’s latest order blocking South Dakota’s new restrictions on medical abortions. U.S. District Judge Karen Schreier issued the preliminary injunction Tuesday. The judge said Planned Parenthood argued that the additional rule requiring a third visit to the clinic for medical-abortion patients would eliminate access to medical abortion.” [KELO, [2/10/22](#)]

#### **Noem Claimed This Was A “Women’s Health” Issue And The Judge Was Making This An Abortion**

**Issue.** According to KELO, “Noem, answering a question from KELOLAND News, told reporters Thursday, ‘It was interesting to hear her argument. It was more about making it an abortion issue, which clearly in this telemedicine abortion order that we put forward, it’s about women’s health. It is four times more likely a woman will end up in the emergency room from utilizing and accessing abortion through this manner.’ ‘And,’ Noem continued, ‘that is why we put it forward is to protect women’s health and make sure that they are medically supervised. The federal judge chose to make it about something else, and that’s disappointing. We will appeal.’” [KELO, [2/10/22](#)]

#### Noem Pushed For The Legislature To Pass A Law Codifying Her Restrictions

### **The Noem-Proposed Bill Restricting Access To Medication-Induced Abortions Passed The State Legislature.**

According to CNN, “South Dakota on Wednesday gave final passage to a bill further restricting access to abortions through medication, the first state this legislative session to impose such a restriction. The bill, House Bill 1318, was proposed last month by Republican Gov. Kristi Noem as she sought to curb access to the abortion drugs. The Biden administration had made the drugs more accessible during the pandemic before finally lifting the requirement that the drugs be dispensed in-person. Noem's bill -- which cleared the state Senate 32-2 -- would require women seeking a medication abortion to make an additional trip to a doctor.” [CNN, [3/2/22](#)]

**The Medication-Induced Abortion Legislation Codified A Noem-Drafted Department Of Health Rule, Which Was Blocked By Federal Judge Pending Appeal.** According to CNN, “The South Dakota legislation essentially codifies a state Department of Health rule, drafted at Noem's direction, that was approved in early January but blocked by a federal judge last month from being enforced. The legislation would not go into effect unless the judge's injunction is lifted, which Noem's administration is seeking through an appeal.” [CNN, [3/2/22](#)]

### *Noem Signed The Legislation*

### **Noem Signed A Law Requiring Pregnant Woman To Make Three Visits To Doctor For Abortion Medication.**

According to CNN, “South Dakota Gov. Kristi Noem on Wednesday signed a law that further restricts access to abortions through medication in the state, though the measure will not take effect immediately, pending a federal court case. [...] While the Biden administration lifted the requirement that abortion drugs be dispensed in person last year, the new South Dakota law requires a pregnant woman who wants to get the abortion medication to first be screened, then wait three days before obtaining the first drug in a two-dose process. The woman would then have to make a third visit to receive the second dose.” [CNN, [3/23/22](#)]

**Noem's Law Also Required A Fourth Visit Two Weeks Later.** According to the New Yorker, “This month, pressing her challenge to medication abortions, she won passage of the bill that codified the third visit, already enjoined by Schreier, and would add a requirement for the clinic to make a fourth appointment, fourteen days later, to confirm that the fetal material has been “expelled.” The vote in the Senate was 32–2. (The law will not be enforced unless Schreier's ruling is overturned.)” [New Yorker, [3/25/22](#)]

### **Noem Said Her Legislation Would Protect “Unborn Babies And Their Mothers”**

**Noem Claimed Telemedicine Abortion Ban Will “Protect Both Unborn Babies And Their Mothers.”** According to the governor's official Twitter account, “My legislation to ban telemedicine abortions passed the Senate and is on its way to my desk! With this bill, we will protect both unborn babies and their mothers from this dangerous procedure.” [Twitter, @govkristinoem, [3/2/22](#)]

### **THE LAWSUIT WAS DISMISSED BY THE COURT OF APPEALS**

**The Lawsuit Against Noem's Abortion Pills Rule Dismissed By U.S. Court Of Appeals.** According to KELO, “After months of litigation a lawsuit against Governor Kristi Noem has been dismissed by the U.S. Court of Appeals. In January of this year, the American Civil Liberties Union (ACLU) and Planned Parenthood brought the lawsuit over a then-proposed abortion medication rule. That rule, which is now law, would have required patients to visit a licensed abortion provider three times to receive the informed consent and medication necessary to end a pregnancy. That's an added visit to the previously required two visits.” [KELO, [7/21/22](#)]

### **NOEM THREATENED CHARGES FOR PHARMACISTS WHO DISPENSED ABORTION PILLS**

**Noem And Attorney General Jackley Wrote To South Dakota Pharmacists Regarding State Illegality Of Abortion Medication After FDA Permitted Abortion Pills To Be Dispensed At Retail Pharmacies.** According to a press release from Governor Kristi Noem, “Today, Gov. Kristi Noem and Attorney General Marty Jackley wrote to South Dakota pharmacists to remind them of state law regarding the illegality of abortions except those necessary to save the life of the mother. The Food and Drug Administration (FDA) recently declared that the federal government will permit chemical abortion drugs to be dispensed at all retail pharmacies. You can find the letter here. ‘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,' wrote Governor Noem and Attorney General Jackley. Following the United States Supreme Court's Dobbs decision in June 2022, states were once again allowed to make their own choices over abortion policy. South Dakota had a trigger law on the books, passed in 2005, that made abortion illegal except to save the life of a pregnant mother." [Governor Kristi Noem Press Release, [1/24/23](#)]

**Noem Threatened Charges For Pharmacists Who Dispense Abortion Pills After The FDA Announced The Federal Government Would Permit Abortion Pills To Be Dispensed At All Retail Pharmacies.** According to the Associated Press, "South Dakota Gov. Kristi Noem, along with the state's Republican attorney general, said Tuesday the state will prosecute pharmacists who dispense abortion-inducing pills following a recent Food and Drug Administration rule change that broadens access to the pills. The Republican governor and South Dakota Attorney General Marty Jackley released a letter to South Dakota pharmacists saying they are 'subject to felony prosecution' if they procure or dispense abortion-inducing drugs. The state bans all abortions except to save the life of the pregnant person. 'South Dakota will continue to enforce all laws including those that respect and protect the lives of the unborn,' Noem and Jackley said in the letter. The FDA earlier this month formally updated labeling for abortion pills to allow many more retail pharmacies to dispense them, so long as they complete a certification process." [Associated Press, 1/24/23]

## **NOEM SPOKE OUT AGAINST EFFORTS TO EXPAND TELEMEDICINE ABORTION**

**Noem Opposed Biden Administration Efforts To Increase Access To Telemedicine Abortion.** According to the Argus Leader, "The Biden administration has also been loosening restrictions around telemedicine, which have been extended in practice to abortion services during the pandemic. 'The Biden Administration is continuing to overstep its authority and suppress legislatures that are standing up for the unborn to pass strong pro-life laws. They are working right now to make it easier to end the life of an unborn child via telemedicine abortion. That is not going to happen in South Dakota,' Noem said in a statement. 'I will continue working with the legislature and my Unborn Child Advocate (Miller) to ensure that South Dakota remains a strong pro-life state.'" [Argus Leader, [9/7/21](#)]

## **NOEM VOTED TO BAR FEDERAL FUNDS FROM BEING USED FOR MIFEPRISTONE**

**2011: Noem Voted To Bar Funds In The 2012 Agricultural Appropriations Bill From Being Used For The Drug RU-486.** In June 2011, Noem voted for an amendment to the 2012 agriculture appropriations bill which would, according to Congressional Quarterly, "bar the use of funds in the bill for the abortion drug mifepristone, also known as RU-486." The House passed the amendment by a vote of 240 by 176. The bill was amended by the Senate, which removed the provision. [House Vote 445, [6/16/11](#); Congressional Quarterly, [6/16/11](#); Congressional Actions, [H. Amdt. 463](#); Congressional Actions, [H.R. 2112](#)]

- **Opponents Said That Barring Funding For RU-486 Was Unnecessary And Was Aimed At Changing Policy Around A Woman's Right To Choose.** According to the Congressional Record, Rep. Sam Farr (D-CA) said, "I think what the gentleman is going to talk about is a legal drug in the United States. It's been a legitimate drug in the United States after it met all of the rigorous FDA process in 1996 and has been available since 2000 in this country. I remember vigorous debates in this committee about the conditionality by which FDA would license this drug. It is legal and available in all 50 States in the United States, in Washington, DC, in Guam, and in Puerto Rico. It's a prescription drug which is not available to the public through pharmacies. Instead, its distribution is restricted to specifically qualified licensed physicians. To use it, a woman must go to a doctor's office. Whatever controversy surrounded the introduction of RU-486 in the United States was settled years ago, and there's no reason for this amendment other than to stir up the controversy over the reproductive rights of women. I think by the gentleman's comments, you can see that that's what he's trying to do. I would urge us all to oppose this amendment. And frankly it doesn't have anything to do with USDA funds, because we don't do telemedicine abortions." [Congressional Record, [6/15/11](#)]

## **Noem Expressed Opposition To Contraception Access**

### **NOEM CELEBRATED A SUPREME COURT DECISION DENYING SOME EMPLOYEES ACCESS TO AFFORDABLE CONTRACEPTION**

**Noem Celebrated Supreme Court Decision In Hobby Lobby Case.** According to the Argus Leader, "[NOEM] 'The Supreme Court's decision today was a tremendous win for religious freedom, a value that is sewn into the fabric of this

country and a principle that has historically set us apart. We must continue efforts to protect every constitutional right, but today is an important victory.” [Argus Leader, 7/1/14]

- **In The Hobby Lobby Case, The Supreme Court Allowed Employers To Refuse To Cover Contraception If They Had A Religious Objection.** According to Vox, “About a decade ago, this legal argument would have gone nowhere. But then the Supreme Court held in *Burwell v. Hobby Lobby* (2014) that employers with religious objections to birth control may refuse to cover contraception in their employee health plans.” [Vox, [9/7/22](#)]

## **NOEM VOTED TO ALLOW EMPLOYERS TO OPT-OUT OF PROVIDING CONTRACEPTION THROUGH THE AFFORDABLE CARE ACT**

**2013: Noem Voted To Add A Provision Allowing Employers To Opt-Out For A Year From The ACA’s Requirement That Employer-Provided Health Insurance Cover Women’s Preventative Care, Including Contraception, To Legislation That Would Have Prevented A Government Shutdown.** In September 2013, Noem voted to amend a proposed continuing appropriations resolution that would have funded the federal government through November 15, 2013, by adding a provision that, according to CNN, was a “so-called ‘conscience clause,’” which “would allow employers and insurers to opt out of preventative care for women which they find objectionable on moral or religious grounds. That prominently includes birth control, which most insurers are required to provide for free under current Obamacare rules. [...] With this move, House Republican leaders would give any employer or group health plan the ability to opt out of contraception coverage for the next year.” The other provisions, according to Congressional Quarterly, would have “delay[ed] for one year implementation of any provision of the 2010 health care overhaul that would take effect between Oct. 1, 2013, and Dec. 31, 2014, including the individual mandate and the imposition or increase of specified taxes and fees, [...] bar[red] appropriations and transfers from the Patient-Centered Outcomes Research Fund, [...] [and] set the expiration date for the continuing appropriations to Dec. 15, 2013.” The vote was on a motion to concur, with a further amendment, to the Senate’s amendment to the continuing resolution that the House had passed 10 days earlier. The House agreed to the motion by a vote of 231 to 192. The Senate later rejected the House’s proposed amendment. [House Vote 498, [9/29/13](#); Congress.gov, [H.J.Res. 59](#); Congressional Quarterly, [9/29/13](#); CNN, [9/28/13](#); Congressional Actions, [H.J. Res. 59](#)]

## **NOEM: “LIBERALS LIKE TO TELL NUNS AND HOBBY LOBBY THAT THEY MUST PROVIDE CONTRACEPTION TO THEIR EMPLOYEES”**

**Noem: “Liberals Like To Tell Nuns And Hobby Lobby That They Must Provide Contraception To Their Employees.”** According to Todd Starnes via Soundcloud, “NOEM: It’s the right of the business owner, the property owner to accept your business or reject your business. And liberals like to tell cake bakers they have to bake cakes for gay marriages. Liberals like to tell nuns and Hobby Lobby that they must provide contraception to their employees. As conservatives, we fight that government overreach tooth and nail. We tell employers, you know, that that’s a relationship with their employees.” [Todd Starnes via Soundcloud, [8/25/21](#)]

## **Noem Supported Antagonizing And Defunding Planned Parenthood**

### **NOEM VOTED AT LEAST 12 TIMES TO DEFUND PLANNED PARENTHOOD**

#### **2017: Noem Voted At Least Three Times To Defund Planned Parenthood**

**2017: Noem Voted For The House GOP’s FY 2018 Omnibus.** In September 2017, Noem voted for an FY 2018 Omnibus appropriations bill that, according to The Hill, “The House on Thursday completed its work on the annual appropriations bills for 2018, ahead of expected negotiations at the end of this year to keep the government funded. By a vote of 211-198, the House passed a \$1.2 trillion package of spending bills to fund wide swaths of the federal government, ranging from the Department of Homeland Security to the Environmental Protection Agency. [...] The package included eight new bills, plus four previously passed appropriations bills that advanced through the House in July. Regular order for appropriations typically involved passing each of the bills individually, not in groups of 4 or 8. [...] Together, the bills appropriate \$621.5 billion for defense spending and \$511 billion for nondefense discretionary spending. It also devotes another \$87 billion in Overseas Contingency Operation (OCO) funding, which does not count toward budget cuts. Of that, \$75 billion went to defense, \$12 billion to nondefense.” The vote was on passage. The House passed the bill by a vote of 211 to 198. The Senate took no substantive action on the overall legislation. [House Vote 528, [9/14/17](#); The Hill, [9/14/17](#); Congressional Actions, [H.R. 3354](#)]

- **The Legislation Defunded Planned Parenthood.** According to Congressional Quarterly, “Finally, the measure prohibits funding for Planned Parenthood and HHS Title X family planning programs; prohibits the use of funds to administer or further implement the 2010 health care overhaul (the Affordable Care Act, or ACA), including by prohibiting the funding of ACA navigators; and it includes the text of the Conscience Protection Act, which prohibits all levels of government from penalizing, retaliating against or otherwise discriminating against a health care provider because the provider does not provide or sponsor abortion coverage.” [Congressional Quarterly, [9/8/17](#)]

**2017: Noem Voted For The American Health Care Act, Which Would Have In Part Prohibited Federal Funding To Planned Parenthood.** In May 2017, Noem voted for the American Health Care Act which would have significantly repealed portions of the Affordable Care Act by cutting Medicaid, cutting taxes on the rich, removing safeguard for pre-existing conditions and defunding Planned Parenthood. According to Congressional Quarterly, the legislation would have “prohibit[ed] federal funding to any entity, such as Planned Parenthood, that performs abortions and receives more than \$350 million a year in Medicaid funds.” The overall legislation would have in part, also according to Congressional Quarterly, “ma[d]e extensive changes to the 2010 health care overhaul law, by effectively repealing the individual and employer mandates as well as most of the taxes that finance the current system. It would [have], in 2020, convert[ed] Medicaid into a capped entitlement that would provide[d] fixed federal payments to states and end[ed] additional federal funding for the 2010 law’s joint federal-state Medicaid expansion. [...] It would [have] allow[ed] states to receive waivers to exempt insurers from having to provide certain minimum benefits.” The vote was on passage. The House passed the bill by a vote of 217 to 213. The bill, in modified forms, died in the Senate. [House Vote 256, [5/4/17](#); Congressional Quarterly, [5/4/17](#); Congressional Actions, [H.R. 1628](#)]

**2017: Noem Voted To Disapprove Of A Rule That Would Have Effectively Withheld Title X Funds To States That Restrict Title X Funds To Planned Parenthood.** In February 2017, Noem voted for disapproving the HHS rule related to Title X funding compliance via the Congressional Review Act. According to Congressional Quarterly, “This resolution disapproves the rule issued by the Health and Human Services Department (HHS) on Dec. 19, 2016, that modifies eligibility requirements for Title X grants for family planning services to specify that states and other entities awarding funds cannot prohibit a health care provider from participating for reasons other than its ability to provide Title X services (which effectively threatens to withhold Title X money from states that restrict participation by Planned Parenthood). The measure provides that the rule (formally titled Compliance With Title X Requirements by Project Recipients in Selecting Subrecipients) would have no force or effect.” The vote was on the resolution. The House adopted the legislation by a vote of 230 to 188. The legislation later became law. [House Vote 99, [2/16/17](#); Congressional Quarterly, [2/10/17](#); Congressional Actions, [H.J. Res. 43](#)]

- **The HHS Rule Required That States Can Only Deny Funding For A Group Based On Its Ability To Provide Title X Services.** According to Congressional Quarterly, “On Dec. 19, 2016, HHS finalized a rule modifying eligibility requirements for Title X grants for family planning services, which specified that no state or other recipient distributing funds can prohibit an entity from participating and receiving funds for reasons other than its ability to provide Title X services. If states or other entities are found to not be in compliance, HHS could discontinue its funding, subject to administrative appeals and a recoupment and re-awarding of funds. The rule effectively threatens to withhold Title X funds from states that have restrictions against participation by Planned Parenthood. The final rule became effective on Jan. 18, 2017.” [Congressional Quarterly, [2/10/17](#)]
- **Some States Have Attempted To Defund A Portion Of Planned Parenthood Funding By Denying Funds Through Title X.** According to Congressional Quarterly, “Within the past few years, 13 states have taken actions to restrict participation by certain providers under the Title X program — most prominently, Planned Parenthood. HHS officials in the Obama administration argued that these actions were motivated by politics and not the provider's ability to provide Title X services, noting that the restrictions caused limitations in the geographic distribution of services. Some states have implemented a tiered approach to distribute Title X funds that gives preference to comprehensive primary care providers or community health centers, while others have explicitly prohibited specific providers from being eligible to receive Title X funds. Litigation concerning these restrictions has led to inconsistency across states in how Title X funds are distributed.” [Congressional Quarterly, [2/10/17](#)]
- **Planned Parenthood Receives About \$60 Million Annually From Title X Out Of \$450 Million Annually From The Federal Government.** According to Congressional Quarterly, “For years, abortion opponents have been trying to eliminate or restrict federal funding for Planned Parenthood. The organization receives roughly \$450 million in federal funds each year, with \$390 million coming from Medicaid reimbursements and \$60 million coming from Title X.” [Congressional Quarterly, [2/10/17](#)]

## **2016: Noem Voted To At Least Twice To Defund Planned Parenthood**

**2016: Noem Voted To Override President Obama's Veto Of A Bill That Defunded Planned Parenthood.** In February 2015, Noem voted to override President Obama's veto of a bill that according to Congressional Quarterly, would have "scrap[ed] in 2018 the law's Medicaid expansion, as well as subsidies to help individuals buy coverage through the insurance exchanges." Additionally, according to Congressional Quarterly the bill would have "repeal[ed] portions of the 2010 health care law and block[ed] federal funding for Planned Parenthood for one year. As amended, the bill would zero-out the law's penalties for noncompliance with the law's requirements for most individuals to obtain health coverage and employers to offer health insurance." The vote was on a veto override, which required a two-thirds majority in both the Senate and the House, which was 285 in the House. The House rejected the veto override by a vote of 241 to 186. [House Vote 53, [2/2/16](#); Congressional Quarterly, [12/3/15](#); Real Clear Politics, [12/4/15](#); Congressional Quarterly, [2/2/16](#); NBC News, [1/8/15](#); Congressional Actions, [H.R. 3762](#)]

**2016: Noem Voted For A Bill That Defunded Planned Parenthood.** In January 2016, Noem voted for a bill that according to Congressional Quarterly, would have "scrap[ed] in 2018 the law's Medicaid expansion, as well as subsidies to help individuals buy coverage through the insurance exchanges." Additionally, according to Congressional Quarterly the bill would have "repeal[ed] portions of the 2010 health care law and block[ed] federal funding for Planned Parenthood for one year. As amended, the bill would zero-out the law's penalties for noncompliance with the law's requirements for most individuals to obtain health coverage and employers to offer health insurance." The vote was on a motion to concur with the Senate amendment, which indicated final passage. The House approved the bill by a vote of 240 to 181. The Senate had already passed the measure. President Obama vetoed the legislation, which the House failed to override. [House Vote 6, [1/8/16](#); Congressional Quarterly, [12/3/15](#); Real Clear Politics, [12/4/15](#); NBC News, [1/8/15](#); Congressional Actions, [H.R. 3762](#)]

## **2015: Noem Voted At Least Four Times To Defund Planned Parenthood**

**2015: Noem Voted To Allow States To Exclude Abortion Providers, Including Planned Parenthood, From Medicaid Reimbursements.** In September 2015, Noem voted for a bill that would allow states to exclude Planned Parenthood from Medicaid reimbursements. According to Congressional Quarterly, the legislation would have "amend[ed] title XIX of the Social Security act to allow states to exclude medical providers who perform abortions from the state's Medicaid contracts. The bill would [have] expand[ed] the exceptions for which a state is not required to provide Medicaid reimbursements, allowing states to deny non-abortion health care reimbursements to medical providers such as Planned Parenthood." The vote was on the bill. The House passed the bill by a vote of 236 to 193. The Senate took no substantive action on the legislation. [House Vote 524, [9/29/15](#); Congressional Quarterly, [9/29/15](#); Congressional Actions, [H.R. 3495](#)]

**2015: Noem Voted To Defund Planned Parenthood For One Year Unless It Ceased Offering Abortion Services.** In September 2015, Noem voted for defunding Planned Parenthood for one year. According to Congressional Quarterly, the bill would have "bar[red], for one year, federal funding for Planned Parenthood and its affiliates unless they certify that, during that period, they will not perform abortions or provide funds to other entities that perform abortions. The prohibition would apply to all federal funds, including Medicaid. The bill would provide exceptions for abortions provided in the case of rape, incest, or threat to the life of the mother. As amended, the bill would effectively redirect funds from Planned Parenthood to the community health center program; specifically, it would appropriate \$235 million for community health centers, in addition to any other funds available to the program." The vote was on passage. The House passed the bill by a vote of 241 to 187. The Senate took no substantive action on the legislation. [House Vote 505, [9/18/15](#); Congressional Quarterly, [9/18/15](#); Congressional Actions, [H.R. 3134](#)]

**2015: Noem Voted To Defund Planned Parenthood As Part Of A Continuing Resolution.** In September 2015, Noem voted for defunding Planned Parenthood. According to Congressional Quarterly, the vote was on "Adoption of the concurrent resolution (H Con Res 79) that would require the House enrolling clerk to add language to the CR defunding Planned Parenthood before it is sent to the president." The vote was on agreeing to the resolution. The House agreed to the resolution by a vote of 241 to 185. A Continuing Resolution that did not defund Planned Parenthood was signed into law. [House Vote 527, [9/30/15](#); Congressional Quarterly, [9/30/15](#); Congressional Quarterly, [9/30/15](#); Congressional Actions, [H.R. 719](#)]

*2015: Noem Voted To Defund Planned Parenthood As Part Of An Effort To Repeal Portions Of The Affordable Care Act*

**2015: Noem Voted To Defund Planned Parenthood For One Year And To Repeal Portions Of The Affordable Care Act.** In October 2015, Noem voted to defund Planned Parenthood through a reconciliation bill. According to Congressional Quarterly, the reconciliation bill would have "block[ed], for one year, federal funding for Planned Parenthood and would increase funding for community health centers by \$235 million in both fiscal 2016 and 2017." In addition, according to



Congressional Quarterly, the measure would have “repeal[ed] portions of the 2010 health care law, including: the requirements for most individuals to have health insurance and employers with more than 50 employees to offer it or face penalties, the 2.3 percent tax on the sale of medical devices, the tax on certain high-value employer-sponsored health insurance plans, and the Prevention and Public Health Fund.” The vote was on passage. The House passed the bill by a vote of 240 to 189. The Senate later passed a different version of the legislation, which the president vetoed, which failed to be overridden in the House. [House Vote 568, [10/23/15](#); Congressional Quarterly, [10/23/15](#); Congressional Actions, [H.R. 3762](#)]

### **2011: Noem Voted At Least Three Times To Defund Planned Parenthood**

**2011: Noem Voted To Defund Planned Parenthood.** In April 2011, Noem voted for a resolution that, according to Congressional Quarterly, would have “bar[red] the use of funds made available in the bill to the Planned Parenthood Federation of America Inc. or its affiliates.” The vote was on a concurrent resolution to order the House clerk to make a correction in the enrollment of the Full-Year Continuing Appropriations Act for Fiscal Year 2011 by inserting the proposed amendment. The House adopted the resolution by a vote of 241 to 185, and it was then sent to the Senate, which rejected it. [House Vote 271, [4/14/11](#); Congressional Quarterly, [4/14/11](#); Congressional Actions, [H. Con. Res. 36](#)]

**2011: Noem Voted To Eliminate Funding For Planned Parenthood In The 2011 Continuing Appropriations Bill.** In February 2011, Noem voted for a bill that would have cut federal funding for Planned Parenthood. According to Roll Call, “More than a dozen House Republicans confirmed Wednesday that their vote on any long-term continuing resolution could well hinge on whether it includes language to cut off federal funding for Planned Parenthood, which offers abortion services. [...] Michael Steel, spokesman for Speaker John Boehner (R-Ohio), declined Wednesday to discuss how leadership is planning to deal with conservative concerns over abortion funding. ‘At this point, our position is [to support] H.R. 1, which includes those provisions,’ Steel said in a statement. ‘We’re still waiting to see a plan to cut spending and help create jobs from the Democrats who run Washington.’” The House passed the bill by a vote of 235 to 189. The Senate extensively amended the legislation and passed the bill, but it was not taken up again by the House. [House Vote 147, [2/19/11](#); Roll Call, 3/10/11; Congressional Actions, [H.R. 1](#)]

**2011: Noem Voted To Defund Planned Parenthood.** In February 2011, Noem voted for an amendment that, according to Congressional Quarterly, would have “prohibit[ed] any funds in the bill from being made available to the Planned Parenthood Federation of America Inc. or its affiliates.” The underlying bill combined the Defense Appropriations Act and the Full-Year Continuing Appropriations Act for Fiscal Year 2011. The amendment was approved by the House by a vote of 240 to 185. The House approved the underlying bill and sent it to the Senate, which substituted different legislation into the bill. [House Vote 93, [2/18/11](#); Congressional Quarterly, [2/18/11](#); Congressional Actions, [H. Amdt. 95](#); Congressional Actions, [H.R. 1](#)]

## **NOEM BACKED EFFORTS RESTRICTING FEDERAL FUNDING TO PLANNED PARENTHOOD**

**Noem Applauded Trump’s Proposal To End Family Planning Funding For Abortion Providers.** According to a press release from then-Rep. Kristi Noem, “Rep. Kristi Noem today applauded President Trump’s proposal to end family planning funding for abortion providers, like Planned Parenthood, and redirect those resources into health centers that do not promote or perform abortions. In South Dakota, there are six federally qualified health centers operating in 45 service sites, but just one Planned Parenthood center. ‘Taxpayers should not have to bear the abortion industry’s financial burden - directly or indirectly,’ said Noem. ‘I am proud to stand with President Trump in protecting taxpayer dollars from abortion advocates, using those family-planning dollars instead to provide comprehensive, life-affirming care to women.’” [Rep. Noem Press Release, 5/18/18]

**Noem Said She Has Been Working To End Taxpayer Funding For Planned Parenthood.** According to a press release from then-Rep. Kristi Noem, “The defunding of Planned Parenthood and other abortion providers is an issue I’ve been working on for some time. Most recently, I reached out in a letter to President Trump urging him to make the Title X change and explaining that taxpayers should not be subsidizing the abortion industry. According to a recent Government Accountability Office report, Planned Parenthood receives roughly \$60 million annually in family planning funding. This is wrong. Taxpayers should not have to bear the abortion industry’s financial burden - directly or indirectly.” [Rep. Noem Press Release, 4/25/18]

## **NOEM VOTED TO AUTHORIZE A CONGRESSIONAL INVESTIGATION INTO PLANNED PARENTHOOD**

**2015: Noem Voted To Create A Congressional Subcommittee To Investigative Issues Related To Fetal Tissue Donation.** In October 2015, Noem voted to create a Congressional subcommittee to investigate issues related to fetal tissue

donation. According to Congressional Quarterly, the legislation would have “establish[ed] a select investigative subcommittee under the House Energy and Commerce Committee. The panel would be responsible for investigating and reporting on issues related to fetal tissue donation, fetal tissue procurement, federal funding for abortion services, and late-term abortions. The panel would be composed, as amended, of 15 members selected by the speaker and minority leader, with no more than six Democrats.” The vote was on the legislation. The House passed the bill by a vote of 242 to 184. The legislation, not needing Senate approval or a presidential signature, created the committee. [House Vote 538, [10/7/15](#); Congressional Quarterly, [10/7/15](#); The Hill, [10/7/15](#); Congressional Actions, [H. Res. 461](#)]

### **Noem Voted For Additional Funds For The Investigation**

**2016: Noem Voted To Authorize An Additional \$800,000 To The Congressional Committee Investigating Planned Parenthood.** In December 2016, Noem voted for a resolution that would have, according to Congressional Quarterly, “allow[ed] the House Energy and Commerce Committee to spend an additional \$800,000 during the remainder of the 114th Congress.” Also according to Congressional Quarterly, the resolution specifically “provide[d] more money to the panel investigating the alleged sale of fetal tissue.” The vote was on the resolution. The House agreed to the resolution by a vote of 234 to 181. [House Vote 595, [12/1/16](#); Congressional Quarterly, [12/1/16](#); Congressional Quarterly, [12/1/16](#); Congressional Actions, [H. Res. 933](#)]

## **Noem Opposed Federal Funding For Abortion Care**

### **NOEM VOTED AT LEAST FIVE TIMES TO PROHIBIT FEDERAL FUNDING FOR ABORTION**

#### **2017: Noem Voted To Ban Federal Funding For Abortion Care**

**2017: Noem Voted To Permanently Ban Federal Funding For Abortion Services.** In January 2017, Noem voted for codifying the Hyde Amendment. According to Congressional Quarterly, “Passage of the bill that would permanently prohibit federal funds from being used to pay for abortion services or health insurance plans that include abortion coverage. It also would prohibit the District of Columbia from using its own local funds to provide or pay for abortions. Individuals and small businesses also could not receive tax credits under the 2010 health care law related to purchases of health insurance plans that include abortion coverage. The bill would require the Office of Personnel Management to ensure that, starting in 2018, no multistate qualified health plan offered in a state insurance exchange provides coverage that includes abortion. The provisions would not apply to pregnancies resulting from rape or incest, or to situations where the woman would die unless an abortion is performed.” The vote was on passage. The House passed the bill by a vote of 238 to 183. The Senate took no substantive action on the legislation. [House Vote 65, [1/24/17](#); Congressional Quarterly, [1/24/17](#); Congressional Actions, [H.R. 7](#)]

#### **2015: Noem Voted For Permanently Banning Federal Funds To Pay For Abortion**

**2015: Noem Voted For Permanently Banning Federal Funds To Pay For Abortion Or Abortion Coverage.** In January 2015, Noem voted for permanently banning federal funds for abortion, abortion coverage and provide exceptions for rape, incest and the mother’s health in life threatening situations. According to Congressional Quarterly, “This bill permanently prohibits the use of federal funds to pay for abortion or abortion coverage, prohibits federal medical facilities and health professionals from providing abortion services, and prohibits individuals and small businesses from receiving federal subsidies and tax credits under the 2010 health care overhaul to purchase health care plans that cover abortions. The measure provides an exception for abortions in cases of rape or incest and for saving the life of the mother. It also requires all qualified health plans that provide abortion coverage to prominently disclose that fact to enrollees at the time of enrollment, as well as to prominently display such information in any marketing or advertising materials, plan comparison tools or summaries of benefits and coverage.” The vote was on passage. The House passed the bill 242 to 179. The Senate took no substantive action on the legislation. [House Vote 45, [1/22/15](#); Congressional Quarterly, [1/24/15](#); Congressional Quarterly, [Accessed 10/1/15](#); Congressional Actions, [H.R. 7](#)]

**2015: Noem Effectively Voted Against Guaranteeing Women’s Medical Privacy In A Bill Banning Federal Funds To Pay For Abortions.** In January 2015, Noem effectively voted against guaranteeing women’s medical privacy in a bill banning federal funds to pay for abortions. According to Congressional Quarterly, the motion to recommit would have “clarif[ied] that nothing in the bill could be construed to authorize any party from violating the medical privacy of women, including the victims of rape or incest, with respect to their choice or use of health insurance.” The underlying measure would have,

according to Congressional Quarterly, “permanently prohibits the use of federal funds to pay for abortion or abortion coverage, prohibits federal medical facilities and health professionals from providing abortion services, and prohibits individuals and small businesses from receiving federal subsidies and tax credits under the 2010 health care overhaul to purchase health care plans that cover abortions. The measure provides an exception for abortions in cases of rape or incest and for saving the life of the mother. It also requires all qualified health plans that provide abortion coverage to prominently disclose that fact to enrollees at the time of enrollment, as well as to prominently display such information in any marketing or advertising materials, plan comparison tools or summaries of benefits and coverage.” The vote was on the motion to recommit. The House rejected the motion by a vote of 177 to 240. [House Vote 44, [1/22/15](#); Congressional Quarterly, [1/22/15](#); Congressional Quarterly, [1/24/15](#)]

#### **2014: Noem Voted For Banning Federal Funds To Pay For Abortion**

**2014: Noem Voted To Prohibit Any Use Of Federal Funds To Pay For Abortion Except In Cases Of Rape, Incest Or To Save The Mother’s Life.** In January 2014, Noem voted for a bill that, according to Congressional Quarterly, would have “permanently prohibit[ed] the use of federal funds, facilities or staff to provide abortion coverage and services, except in cases of rape or incest and for saving the life of the mother.” The House passed by a vote of 227 to 188; the bill died in the Senate. [House Vote 30, [1/28/14](#); Congressional Quarterly, [1/28/14](#); Congressional Actions, [H.R. 7](#)]

#### **2011: Noem Voted For Banning Federal Funds To Pay For Abortion**

**2011: Noem Voted To Prohibit Federal Funding For Abortion, Except In Cases Of Rape, Incest, Or Life Of The Mother.** In May 2011, Noem voted for a bill, which, according to Congressional Quarterly, would have “prohibit[ed] federal funding for abortion services, except in cases of rape, incest or when the woman’s life is endangered. It would [have] modif[ied] tax breaks given for health insurance coverage to exclude coverage for abortion, prohibit[ed] federal medical facilities from providing abortion services.” The House passed the bill with a vote of 251 to 175. The Senate took no subsequent action. [House Vote 292, [5/4/11](#); Congressional Quarterly, [5/4/11](#); Congressional Actions, [H.R. 3](#)]

**2011: Noem Voted To Bar The Use Of Federal Funding To Purchase Insurance Plans That Cover Abortion Services.** In October 2011, Noem voted for a bill that, according to Congressional Quarterly, would have “barred the use of federal funds to purchase insurance plans that cover abortion services. The bill also would [have] require[d] that insurance companies offering plans on state exchanges that cover abortion services also offer identical plans that do not cover abortion services. It also would [have] bar[red] federal agencies and state or local entities that receive funding under the health care overhaul law from discriminating against health care entities that refuse to provide abortions or training related to abortions.” The House passed the bill by a vote of 251 to 172; however, no substantive action on the measure was taken by the Senate. [House Vote 789, [10/13/11](#); Congressional Quarterly, [10/13/11](#); Congressional Actions, [H.R. 358](#)]

### **NOEM VOTED FOR FUNDING TO COMBAT THE ZIKA VIRUS THAT STIPULATED THAT NO FUNDING COULD BE USED FOR ABORTION CARE**

**2016: Noem Voted For An FY 2017 Military Construction And Veterans Affairs Appropriations Bill Which Also Provided \$1.1 Billion In Zika Funding While Also Stipulating That No Funding Could Be Used To Pay For Abortions.** In June 2016, Noem voted for an FY 2017 military construction and veterans affairs conference report which would have, according to Congressional Quarterly, “provide[d] \$82.5 billion in fiscal 2017 appropriations for the Veterans Affairs Department, military construction and military housing and would provide \$1.1 billion in funding to combat the Zika virus with about \$750 million in offsets.” The vote was on the conference report. The House agreed to the legislation by a vote of 239 to 171. The Senate later failed to invoke cloture on the conference report. [House Vote 342, [6/23/16](#); Congressional Quarterly, [6/28/16](#); Congressional Actions, [H.R. 2577](#)]

- **The Legislation Required That No Zika Funding Could Be Used To Pay For Abortions.** According to Congressional Quarterly, “The measure requires that the Zika funding provided be subject to restrictions on appropriations included in the FY 2016 omnibus appropriations act (PL 114-113), which included a prohibition on the use of funds to pay for abortions. (Under federal law, U.S. foreign aid funding may not be used by other nations or organizations to pay for abortions. Some women’s health groups have urged the Obama administration to use its executive authority to reinterpret the prohibition so that federal funds could be used to fund the abortions of women who contracted Zika and fear giving birth to babies with microcephaly.)” [Congressional Quarterly, [6/23/16](#)]

## **NOEM EFFECTIVELY VOTED AGAINST ALLOWING THE NIH TO USE FUNDS ON ABORTION-RELATED EXPERIMENTS**

**Noem Effectively Voted Against Allowing The NIH To Use Funds On Abortion-Related Experiments.** In July 2015, Noem voted against an amendment that would have, according to Congressional Quarterly, “strike[n] language that applies any policy riders included in annual Labor-HHS-Education and Agriculture appropriations bills to National Institutes of Health (NIH) funds and Food and Drug Administration (FDA) funds provided by the bill.” The underlying legislation was the 21st Century Cures Act. The vote was on the amendment. The House rejected the amendment by a vote of 176 to 245. [House Vote 432, [7/10/15](#); Congressional Quarterly, [7/10/15](#); Congressional Actions, [H. Amdt. 658](#); Congressional Actions, [H.R. 6](#)]

- **The Amendment Would Have Allowed The NIH To Use Funds To Conduct Abortion Related Experiments.** In a floor speech, Rep. Joseph Pitts (R-PA) said, “I rise in opposition to the Lee amendment. If passed, this amendment would allow the National Institutes of Health to use taxpayer dollars to conduct experiments involving abortion or to hone abortion techniques.” [Congressional Record, [7/10/15](#)]

## **NOEM EFFECTIVELY VOTED AGAINST ALLOWING FEDERAL EMPLOYEES’ HEALTH PLANS TO COVER ABORTION**

**Noem Effectively Voted Against Allowing Federal Employees’ Health Plans To Cover Any Aspect Of Abortion.** In July 2016, Kristi Noem voted against an amendment that would, according to Congressional Quarterly, “strike[n] a section of the bill that would [have] prohibit[ed] funds from being used to pay for an abortion or administrative expenses in connection with any health plan under the federal employees health benefits program which provides benefits or coverage for abortions.” The underlying legislation was an FY 2017 financial services appropriations bill. The vote was on the amendment. The House rejected the amendment by a vote of 177 to 245. The House later passed the underlying bill, but the Senate took no substantive action on the legislation. [House Vote 364, [7/6/16](#); Congressional Quarterly, [7/6/16](#); Congressional Actions, [H. Amdt. 1233](#); Congressional Actions, [H.R. 5485](#)]

## **NOEM VOTED TO PROHIBIT FUNDS FROM EDUCATIONAL FACILITIES THAT TAUGHT ABORTION PROCEDURES OR PROVIDED ABORTION COUNSELING**

### **Noem Voted To Prohibit Funds For Medical School Education To Be Used To Provide Training On Abortion Procedures**

**2011: Noem Voted To Prohibit Funds For Medical School Education To Be Used To Provide Training On Abortion Procedures.** In May 2011, Noem voted for a bill which would, according to Congressional Quarterly, have “bar[red] the use of funds authorized in the bill for graduate medical education to provide abortion or training in abortion procedures. It also would [have] bar[red] the use of funds for a teaching health center that discriminates against individual health care entities that refuse to provide, pay for, provide coverage of, or refer for abortions.” The underlying bill dealt with how Congress authorized funding for graduate medical education. The House passed the amendment by a vote of 234 to 182. The underlying bill passed the house and the Senate took no subsequent action on it. [House Vote 338, [5/25/11](#); Congressional Quarterly, [5/25/11](#); Congressional Actions, [H. Amdt. 298](#); Congressional Actions, [H.R. 1216](#)]

- **Abortion Rights Advocates Said That Doctors Needed The Training For When A Pregnant Woman’s Life Is Endangered.** According to Congressional Quarterly, “Abortion rights advocates in the House opposed the amendment, stressing the need for abortion training for doctors who might need to respond when a pregnant woman’s life is endangered.” [Congressional Quarterly, [5/25/11](#)]
- **Opponents Said Physicians Must Not Be Ignorant Of A Sometimes Necessary Procedure.** According to the Congressional Record, Rep. John Garamendi (D-CA) said, “I don’t understand why we ought to have ignorant doctors. It doesn’t make any sense to me. Abortions are sometimes necessary for saving the life of a pregnant woman. And to have a medical system in which the doctors don’t know about that procedure is really stupid. I won’t say this amendment is that, but it’s really not wise to have ignorant physicians. And it’s really not wise not to have physicians at all. [...] We’re not going to train primary care physicians? What in the world are you thinking? I don’t get it. I don’t get the whole strategy. It is a strategy that will put America’s health at risk. It is a strategy that will deny benefits. It is a strategy that will provide us, with this latest amendment, doctors that are ignorant about basic women’s health. And it is a strategy that will deny us the necessary primary care physicians.” [Congressional Record, [5/24/11](#)]

## Noem Voted To Bar Funding For School Districts If Their Health Centers Provide Or Counsel Abortion Care

**2015: Noem Effectively Voted To Bar Funding For School Districts If Their Health-Centers Provide, Counsel Or Refer For Abortion Care.** In February 2015, Noem voted for a House rule on an education reform bill with self-executing language on the ‘Gag Rule’ for school based health centers. According to NARAL, the resolution would have “provide[ed] for House consideration of the legislation” for the Student Success Act. Also according to NARAL, “The self-executing rule added language denying funding for school districts unless their school-based health centers agree not to provide, counsel, or refer for abortion care.” The vote was on the resolution. The House adopted the resolution by a vote of 234 to 184. The House later passed the underlying legislation, but the final version which became law, which was different legislation, did not include the policy. [House Vote 93, [2/26/15](#); NARAL, [12/30/15](#); Congress.gov, [H.R. 5](#); Congress.gov, [H. Rept. 114-354](#); Public Law, [114-95](#); Congressional Actions, [H.R. 5](#); Congressional Actions, [H. Res. 125](#)]

## **Noem Signed Legislation To Require Sonograms For Pregnant Patients Seeking Abortions**

### **NOEM SIGNED LEGISLATION REQUIRING DOCTORS TO PROVIDE ABORTION PATIENTS OPPORTUNITY TO VIEW SONOGRAM AND HEAR HEARTBEAT BEFORE AN ABORTION**

**Noem Signed Bill Dictating Doctors To Offer Sonograms And Heartbeat Before A Patient Could Obtain An Abortion.** According to the Argus Leader, “Gov. Kristi Noem signed several pro-life bills into law on Wednesday. [...] Beginning July 1, the new laws will: [...] require doctors to give a woman the opportunity to view a sonogram and hear the heartbeat of the fetus prior to an abortion.” [Argus Leader, [3/20/19](#)]

### Guttmacher Called Similar Laws “A Veiled Attempt To [...] Dissuade An Individual From Obtaining An Abortion”

**Guttmacher: Sonogram Requirements Are “A Veiled Attempt To Dissuade An Individual From Obtaining An Abortion.** According to Guttmacher, “Since the mid-1990s, several states have moved to make ultrasound part of abortion service provision. Some laws and policies require that a person seeking an abortion receive information on accessing ultrasound services, while others require that a patient undergo an ultrasound before an abortion. Since routine ultrasound is not considered medically necessary as a component of first-trimester abortion, the requirements appear to be a veiled attempt to personify the fetus and dissuade an individual from obtaining an abortion. Moreover, an ultrasound can add significantly to the cost of the procedure.” [Guttmacher, [9/1/23](#)]

### Guttmacher Noted The Sonogram Could Add To The Cost of The Procedure

**Guttmacher: “An Ultrasound Can Add Significantly To The Cost Of The Procedure.”** According to Guttmacher, “Since the mid-1990s, several states have moved to make ultrasound part of abortion service provision. Some laws and policies require that a person seeking an abortion receive information on accessing ultrasound services, while others require that a patient undergo an ultrasound before an abortion. Since routine ultrasound is not considered medically necessary as a component of first-trimester abortion, the requirements appear to be a veiled attempt to personify the fetus and dissuade an individual from obtaining an abortion. Moreover, an ultrasound can add significantly to the cost of the procedure.” [Guttmacher, [9/1/23](#)]

## **Noem Revived A Decades-Old South Dakota Case Requiring A Crisis Pregnancy Center Consultation Before An Abortion**

### **NOEM JOINED CRISIS PREGNANCY CENTERS IN A CASE TO OVERTURN DECISION BLOCKING A PRE-ABORTION COUNSELING REQUIREMENT**

**Noem, Along With Two Crisis Pregnancy Centers, Attempted To Revive A Law Overturned A Decade Before Requiring Abortion Patients Seek Out Counseling With An Anti-Abortion Center Before Obtaining The Procedure.** According to Bloomberg Law, “Two crisis pregnancy centers and South Dakota officials will ask a federal appeals court to overturn a decision upholding an order blocking a pre-abortion counseling requirement, they told the issuing trial court. Gov.

Kristi Noem (R), Alpha Center, and Black Hills Crisis Pregnancy Center informed the U.S. District Court for the District of South Dakota that they will appeal its refusal to dissolve a 2011 injunction against the requirement to the U.S. Court of Appeals for the Eighth Circuit. The law mandates that women seeking abortions consult with anti-abortion pregnancy help centers before having the procedure.” [Bloomberg Law, [8/24/21](#)]

- **The Legislation Was Originally Passed In 2011.** According to the New York Times, “The sign out front advertises free pregnancy tests, information about abortion and testing for sexually transmitted diseases. But it is not an abortion clinic — it is home to the Alpha Center, an organization in Sioux Falls, S.D., dedicated to encouraging women to bring their babies to term. A law signed by Gov. Dennis Daugaard on Tuesday makes the state the first to require women who are seeking abortions to first attend a consultation at such ‘pregnancy help centers,’ to learn what assistance is available ‘to help the mother keep and care for her child.’” [New York Times, [3/22/11](#)]

## **A FEDERAL JUDGE RULED AGAINST SOUTH DAKOTA IN ABORTION LAWSUIT**

**A Federal Judge Ruled Against South Dakota’s Attempt To Lift Injunction That Nullified Part Of Law Requiring Crisis Pregnancy Center Consultation.** According to the Associated Press, “A federal judge Friday ruled against South Dakota’s attempt to lift a decade-old injunction that nullified part of a state law requiring women to consult with a crisis pregnancy center before having an abortion. Planned Parenthood sued the state in 2011 after lawmakers passed a law requiring a three-day wait period for women seeking an abortion, as well as a consultation with a pregnancy center that often discourages women from having an abortion. Judge Karen Schreier ordered a temporary injunction that kept the law from taking effect. The three-day wait period eventually became law, but the consultation requirement has not.” [Associated Press, [9/20/21](#)]

## **Noem Voted To Allow And Support Providers, Hospitals, And Insurances To Opt-Out Of Covering Or Providing Abortions**

### **NOEM VOTED TO BAR GOVERNMENTS FROM DISCRIMINATING AGAINST HEALTH CARE PROVIDERS FOR NOT COVERING ABORTION CARE**

**2016: Noem Voted To Bar Governments From Discriminating Against A Health Care Provider Because They Do Not Cover Abortion.** In July 2016, Noem voted for a bill related to the so-called ‘Conscience Clause,’ often related to abortion coverage. According to Congressional Quarterly, “Passage of the bill, as amended, that would prohibit federal, state, and local governments that receive federal financial assistance from discriminating against a health care provider because the provider does not provide or sponsor abortion coverage, and would provide a complaint process and civil actions for violations through the Health and Human Services and Justice departments.” The vote was on passage. The House adopted the bill by a vote of 245 to 182. The bill was earlier passed by the House, but with different legislative text related to motor vehicle safety whistleblowers; the Senate took no substantive action on the new legislation. [House Vote 443, [7/13/16](#); Congressional Quarterly, [7/13/16](#); Congressional Actions, [S. 304](#)]

- **Planned Parenthood: Legislation Would Allow Bosses To Deny Health Care That They Object To.** According to a tweet sent out by Planned Parenthood, “Extremists are pushing the Conscience Protection Act that allows bosses & health plans to deny care they object to. #NotMyConscience” [@PPact, [7/13/16](#)]

### **NOEM VOTED TO POTENTIALLY PERMIT HOSPITALS AND DOCTORS TO REFUSE TO PERFORM AN ABORTION**

**Noem Voted To Potentially Permit Hospitals And Doctors To Refuse To Perform An Abortion, Even If It Would Save A Woman’s Life In An Emergency.** In October 2011, Noem voted for a bill that, according to Congressional Quarterly, would have “prohibit[ed] any federal agency, state or local government that receives federal funding from discriminating against a ‘health care entity’ that refuses to receive training on how to perform abortions; provide such training; pay for, participate in, or perform abortions; or offer referrals for abortion services. The bill defines a ‘health care entity’ as an individual physician or other health care professional, hospital, provider-sponsored organization, health maintenance organization, insurance plan, or any other health care facility, organization or plan.” Congressional Quarterly reported elsewhere that “[m]uch of the debate [during committee consideration of the legislation] centered on a provision that would give ‘conscience rights’ to hospital workers who did not wish to help provide abortions. Democrats warned that the language

could allow hospital employees to stand idle even as a woman faced death without care. Republicans denied that assertion.” The provisions were part of a larger bill that, according to Congressional Quarterly, would have “barred the use of federal funds to purchase insurance plans that cover abortion services. The bill also would [have] require[d] that insurance companies offering plans on state exchanges that cover abortion services also offer identical plans that do not cover abortion services.” The House passed the bill by a vote of 251 to 172; however, no substantive action on the measure was taken by the Senate. [House Vote 789, [10/13/11](#); Congressional Quarterly, [10/10/11](#); Congressional Quarterly, [10/13/11](#); Congressional Quarterly, [2/14/11](#); Congressional Actions, [H.R. 358](#)]

**Noem Voted To Potentially Allow Hospitals And Doctors To Refuse To Perform An Abortion When Needed To Save A Woman’s Life In A Medical Emergency.** In October 2011, Noem effectively voted against an amendment that, according to Congressional Quarterly, would have ensured “that nothing in the [underlying] bill would exempt hospitals or medical providers from state or federal laws requiring they give care that would prevent the death of pregnant women with emergency medical conditions.” The underlying bill, according to Congressional Quarterly, included provisions that would have “prohibit[ed] any federal agency, state or local government that receives federal funding from discriminating against a ‘health care entity’ that refuses to receive training on how to perform abortions; provide such training; pay for, participate in, or perform abortions; or offer referrals for abortion services. The bill defines a ‘health care entity’ as an individual physician or other health care professional, hospital, provider-sponsored organization, health maintenance organization, insurance plan, or any other health care facility, organization or plan.” The vote was on a motion to recommit the bill with instructions that it be reported back with the specified amendment; the House rejected the motion by a vote of 173 to 249. The underlying bill passed the House; however, the Senate took no substantive action on the bill. [House Vote 788, [10/13/11](#); Congressional Quarterly, [10/13/11](#); Congressional Quarterly, [10/10/11](#); Congressional Actions, [H.R. 358](#)]

## **NOEM VOTED TO CREATE A SO-CALLED “CONSCIENCE CLAUSE” LAW**

**Noem Voted To Create A So-Called “Conscience Clause” Law That Allowed Health Care Providers To Refuse To Provide Abortion Services.** In May 2011, Kristi Noem voted for a bill, which, according to Congressional Quarterly, would have “establish[ed] ‘conscience protections’ for health care providers who object to providing abortion services.” The House passed the bill with a vote of 251 to 175. The Senate took no subsequent action. [House Vote 292, [5/4/11](#); Congressional Quarterly, [5/4/11](#); Congressional Actions, [H.R. 3](#)]

- **According to NARAL, Conscience Clauses (Or Refusal Laws) Endanger Women’s Health.** According to NARAL Pro-Choice America, “When health-care institutions and providers deny women access to information about all their health-care options, they can compromise women’s health. Of course, pregnancy is a welcome development in many women’s lives. But for some others, pregnancy can be dangerous, making access to contraceptives and abortion services imperative. For instance, conditions such as cancer, rheumatic fever, severe diabetes, malnutrition, phlebitis, sickle cell anemia and heart disease, significantly increase the risks associated with pregnancy. Women in rural areas may face serious health risks if the only hospital in their area refuses to provide certain reproductive-health services. One Catholic sole-provider hospital in rural California denied a sterilization to a 34-year-old woman following her ninth pregnancy. Although the woman’s doctor advised her against any subsequent pregnancies, and sterilization would have been safest and easiest immediately following delivery, the hospital refused to permit the procedure.” [NARAL Pro-Choice America, [1/1/13](#)]

## **NOEM VOTED TO OPPOSE D.C.’S REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT**

**2016: Noem Voted To Prohibit Funding From Being Used To Implement Washington, D.C.’s Reproductive Health Non-Discrimination Amendment Act.** In July 2016, Noem voted for an amendment that would have, according to Congressional Quarterly, “prohibit[ed] funds from being used to implement the District of Columbia’s Reproductive Health Non-Discrimination Amendment Act.” The underlying legislation was an FY 2017 financial services appropriations bill. The vote was on the amendment. The House adopted the amendment by a vote of 223 to 192. The House later passed the underlying bill, but the Senate took no substantive action on the legislation. [House Vote 390, [7/7/16](#); Congressional Quarterly, [7/7/16](#); Congressional Actions, [H. Amdt. 1259](#); Congressional Actions, [H.R. 5485](#)]

- **D.C.’s Legislation Would Bar Employees, Their Spouses And Dependents From Being Fired Based On Their Birth Control Decisions.** According to Congressional Quarterly, “The D.C. legislation would bar employees, their spouses and dependents from being fired based on their decisions regarding birth control, fertility treatments, abortion and other reproductive health services.” [Congressional Quarterly, [4/30/15](#)]

- **The Reproductive Health Non-Discrimination Amendment Act Broadened The Definition Of Discrimination In The District To Include An Employee’s Reproductive Health Decisions.** According to the Washington Post, “The Reproductive Health Non-Discrimination Amendment Act broadens the definition of discrimination in the District to include an employee’s reproductive health decisions. Under the law, employers will not be able to discriminate against employees who seek contraception or family planning services. Employers also cannot act against an employee when they know she has used medical treatments to initiate or terminate a pregnancy.” [Washington Post, [4/30/15](#)]

**2015: Noem Voted To Disapprove Washington D.C.’s Reproductive Health Non-Discrimination Amendment Act Of 2014, Which Prohibited Employers From Discriminating Based On Individual’s Reproductive Health Decisions.** In April 2015, Noem voted for a joint resolution that would have, according to Congressional Quarterly, “provide[d] for disapproval and repeal of the District of Columbia’s Reproductive Health Non-Discrimination Amendment Act of 2014, which prohibits employers from discriminating based on an individual’s reproductive health decisions.” The vote was on the joint resolution. The House passed the joint resolution by a vote of 228 to 192. The Senate took no substantive action on the legislation, which because of a 30 day deadline Congress has to overturn D.C. Council-passed bills, renders the legislation moot. [House Vote 194, [4/30/15](#); Congressional Quarterly, [4/30/15](#); Congressional Quarterly, [4/30/15](#); Congressional Actions, [H. J. Res. 43](#)]

## Noem Signed Legislation To Ban Abortions Based On A Down Syndrome Diagnosis

### NOEM SIGNED BILL INTO LAW TO BAN ABORTIONS BASED ON A DOWN SYNDROME DIAGNOSIS

**Noem Signed Ban On Terminating Pregnancies Based On Down Syndrome Diagnosis.** According to the Argus Leader, “Gov. Kristi Noem has signed a series of legislation aimed at strengthening South Dakota’s anti-abortion laws, including a ban on terminating pregnancies based on a Down syndrome diagnosis. [...] And Friday, she signed the Down Syndrome bill along with a separate measure making it illegal to force someone to get an abortion via surrogacy contracts. A third bill more precisely defines what abortion is, and another establishes requirements around when certain literature must be provided to women provided with abortion-inducing drugs. ‘I look forward to the day when the Supreme Court recognizes that all pre-born children inherently possess this right to life, too,’ Noem said in a statement. ‘Until that time comes, I am pleased to sign a ban on the abortion of a pre-born child, just because that child is diagnosed with Down syndrome, as well as several other important pro-life bills.” [Argus Leader, [3/26/21](#)]

**Noem Defended Necessity Of Bill To Ban Abortions Based On Diagnosis Of Down Syndrome.** According to the Associated Press, “Noem has defended the necessity of her bill, saying that some screenings for Down syndrome can be performed as early as 10 weeks into pregnancy. ‘This legislation will protect preborn children that are diagnosed with Down syndrome from being discriminated against solely because God gave them an extra chromosome,’ she said last month. A group of about 70 medical workers from across the state wrote to lawmakers in opposition to Noem’s bill, saying it would put physicians and patients in an adversarial relationship, places severe penalties on doctors and makes no exception for conditions that would be lethal to the fetus.” [Associated Press, [2/17/21](#)]

### Opponents Of The Legislation Said It Meddled In A Deeply Personal Decision

**Opponents Of Legislation Banning Abortion On Basis Of Down Syndrome Diagnosis Argue It Meddles With Deeply Personal Decision.** According to the PBS Newshour, “Opponents of the bills, including some parents with children who have Down syndrome, argue that elected officials should not be meddling with a woman’s deeply personal decision on whether to carry a pregnancy to term after a Down syndrome diagnosis.” [PBS Newshour, [5/19/21](#)]

## Noem Voted To Create Criminal Penalties For Sex-Selective Abortions

### NOEM VOTED TO CREATE CRIMINAL PENALTIES FOR PERFORMING SEX-SELECTIVE ABORTIONS

**Noem Voted To Create Criminal Penalties For Performing A Sex-Selective Abortion Or Assisting A Woman With Crossing State Lines To Obtain A Sex-Selective Abortion.** In May 2011, Noem voted for a bill that, according to



Congressional Quarterly, would have “impose[d] fines or a maximum five-year sentence, or both, on individuals who perform an abortion knowing the abortion is sought based on the sex of the fetus. The same penalties would [have] appl[ied] to individuals who transport a woman into the United States or across state lines for the purpose of terminating a pregnancy based on the sex of the fetus or to anyone who solicits or accepts payment for performing an abortion based solely on the sex of the fetus.” The vote was on a motion to suspend the rules and pass the bill, which required a two-thirds majority in order to succeed. The House rejected the motion by a vote of 246 to 168. [House Vote 299, [5/31/12](#); Congressional Actions, [5/31/12](#); Congressional Actions, [H.R. 3541](#)]

- **Opponents Said That Doctors Could Be Prosecuted For Failing To Determine Private Motivations Behind Women’s Decision To Have An Abortion.** According to Congressional Quarterly, “The Obama administration has indicated opposition to the measure. ‘The administration opposes gender discrimination in all forms, but the end result of this legislation would be to subject doctors to criminal prosecution if they fail to determine the motivations behind a very personal and private decision,’ White House deputy press secretary Jamie Smith said in a statement to ABC. ‘The government should not intrude in medical decisions or private family matters in this way.’ [...] Democratic critics called the bill a GOP attempt to chip away at women’s reproductive rights. They argued that it would force doctors to become ‘mind readers’ who must police their patients.” [Congressional Quarterly, [5/31/12](#)]

## Noem Supported So-Called “Born Alive” Legislation

### NOEM SIGNED SO-CALLED “BORN ALIVE” LEGISLATION AS GOVERNOR

**Noem Signed So-Called “Born Alive” Legislation, Which Required Medical Professionals To Treat Babies Regardless Of Birth Circumstances.** According to South Dakota State News, “Today, Governor Kristi Noem signed House Bill 1051, which requires medical professionals to offer any baby born alive the same medical care they would offer for any other child – regardless of the circumstances of the child’s birth. ‘The pro-life cause continues even after a child is born, and this bill will guarantee the right to life for every baby that is born alive,’ said Governor Kristi Noem. ‘We expect doctors to treat all children equally, even those born in horrific circumstances. That’s basic human decency.’ The law requires medical professionals to provide the same means, medical skills, and treatment to every child born alive immediately following an attempted abortion as they would any other child. Further, the law allows a mother to sue any doctor or abortion facility that violates the law, imposes financial penalties on those who violate the law, and requires certain reporting to the Department of Health for any births that arise following a failed abortion.” [South Dakota State News, [2/24/21](#)]

**Strict Interpretation Of The So-Called “Born Alive” Legislation Could Take Away Ability Of Parents To Hold Their Child In Case Of Early Delivery Where A Baby Cannot Survive, According To Obstetrician.** According to the Argus Leader, “Dr. Erica Schipper, an obstetrician with Sanford Health, said in a letter to the Argus Leader that the bill would impact circumstances such as an early delivery for a lethal anomaly, or when an abnormality would lead to a baby not being able to survive. ‘While these circumstances may be medically or legally referred to as an ‘abortion,’ the public and our legislators need to be aware of the potential consequences of this legislation,’ she wrote. ‘Strict interpretation of this law would take away the ability of parents to hold a living child, say goodbye, and have that baby baptized if that is their wish.’” [Argus Leader, [2/16/21](#)]

**Noem’s Legislation Threatened To Criminalize Doctors.** According to the Argus Leader, “HB 1051 adds three provisions to state statute: require doctors to provide medical care to babies born out of attempted abortions; a possible \$10,000 fine for physicians who fail to do so; and require the state health office compile a report on the number of babies who survive attempted abortions. Mothers and children born out of abortions could sue the doctors involved and the doctor could lose their medical license.” [Argus Leader, [2/16/21](#)]

### Planned Parenthood Said The So-Called “Born Alive” Bills Are Unnecessary As Doctors Already Have Obligation To Provide Medical Care

**Planned Parenthood Said The So-Called “Born Alive” Bills Are Unnecessary As Doctors Already Have Obligation To Provide Medical Care.** According to Planned Parenthood, “So-called ‘Born Alive’ bills fabricate a problem that doesn’t exist. Doctors already have an obligation to provide appropriate medical care. To suggest otherwise is false, offensive, and dangerous, not to mention a complete waste of taxpayer time and money.” [Planned Parenthood, [2/24/20](#)]

### According to Physician Groups, Live Birth After Abortion Attempt Was Extremely Unlikely And Laws Already Exist To Protect Infant

**According to Physician Groups, Live Birth After Abortion Attempt Was Extremely Unlikely And Laws Already Exist To Protect Infant.** According to Vox, “But reproductive rights and physician groups say the [Born-Alive Abortion Survivors Protection Act] bill could criminalize doctors and is unnecessary — not only because a live birth after an abortion attempt is an extremely unlikely scenario but also because laws already exist to protect an infant in this instance anyway. ‘The bill maligns and vilifies providers and patients to push a false narrative about abortion later in pregnancy,’ Dr. Kristyn Brandi, a board member of Physicians for Reproductive Health, told Vox in an email last year.” [Vox, [2/25/19](#)]

## **NOEM VOTED AT LEAST TWICE FOR THE SO-CALLED “BORN-ALIVE” ABORTION SURVIVORS PROTECTION ACT**

### **Noem Voted For The So-Called “Born-Alive” Abortion Survivors Protection Act**

**Noem Voted For The So-Called “Born-Alive” Abortion Survivors Protection Act.** In September 2015, Noem voted for a bill that would have imposed criminal penalties on doctors who do not give appropriate care to an infant born during an abortion. According to Congressional Quarterly, the legislation would have “require[d] health care practitioners to give the same level of care to an infant born alive during a failed abortion as they would give to any other infant born at the same gestational age. The bill also would [have] require[d] health care practitioners to ensure that these infants are immediately sent to a hospital. Health care practitioners and hospital and abortion clinic employees who know about a violation would be required to report the failure to comply with these requirements to law enforcement. People who violate these requirements regarding level of care and reporting violations would be subject to criminal fines or up to five years in prison, or both. The bill would prohibit the prosecution of mothers of born-alive infants for either conspiracy to violate born-alive protections or as accessory to the crime. The bill also would allow mothers to file lawsuits against health care providers who fail to appropriately care for born-alive infants from failed abortions.” The vote was on passage. The House passed the legislation by a vote of 248 to 177. The Senate took no substantive action on the legislation. [House Vote 506, [9/18/15](#); Congressional Quarterly, [9/18/15](#); Congressional Actions, [H.R. 3504](#)]

- **Planned Parenthood Action: Legislation Is A “Blatant Attempt To Politicize Women’s Health.”** According to Planned Parenthood Action, “On September 15, 2015, Congressman Trent Franks (R-Arizona) introduced the Born-Alive Abortion Survivors Protection Act (H.R. 3504), a blatant attempt to politicize women’s health. The true goal of supporters of the H.R. 3504 is to promote a political agenda of banning safe, legal abortion in the United States. This bill would amend current law to apply new criminal penalties and severely overreach into the practice of medicine. This legislation specifically targets abortion and injects politicians into the patient-physician relationship, disregarding providers’ training and clinical judgment and undermining their ability to determine the best course of action with their patients. The rigid set of requirements the legislation places on physicians is meant to intimidate abortion providers from providing women with the care they need.” [Planned Parenthood Action Scorecard, [Accessed 2/8/16](#)]

**Noem Voted For The So-Called “Born-Alive” Abortion Survivors Protection Act.** In January 2018, Noem voted for legislation that would have, according to Congressional Quarterly, “require[d] health care practitioners to provide care to an infant born alive during a failed abortion that is equivalent to the care they would provide to any other infant born at the same gestational age. It would [have] impose[d] criminal fines, and penalties of up to five years in prison, for failure to do so, and would provide for a patient in such circumstances to file a lawsuit against the health care provider for certain monetary and punitive damages. The bill would [have] require[d] hospital and clinic practitioners and employees to report any knowledge of failures to provide such care to the appropriate state or federal law enforcement agency, and would [have] permit[ted] prosecution of individuals who fail to do so.” The vote was on passage. The House passed the bill by a vote of 241 to 183. The Senate took no substantive action on the legislation. [House Vote 36, [1/19/18](#); Congressional Quarterly, [1/19/18](#); Congressional Actions, [H.R. 4712](#)]