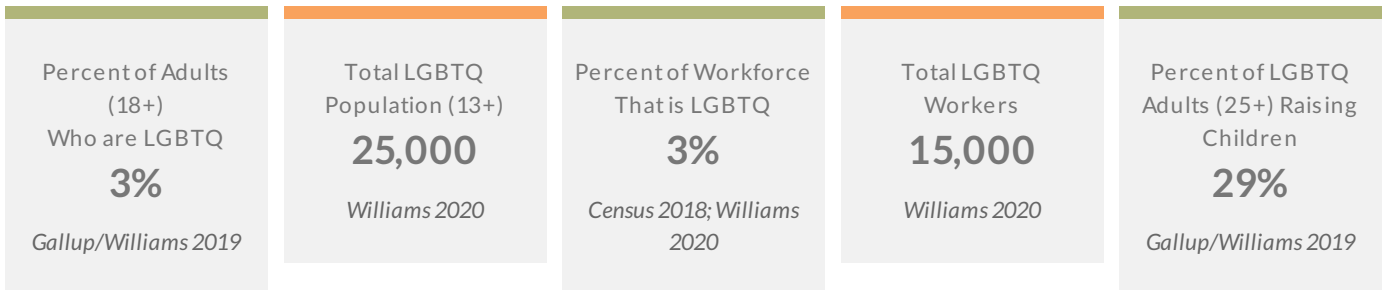


# SOUTH DAKOTA'S EQUALITY PROFILE

## Quick Facts About South Dakota



## South Dakota's LGBTQ Policy Tally



MAP's "LGBTQ Policy Tally" examines each state's LGBTQ policy climate, as measured by over 35 pro- or anti-LGBTQ laws and policies. These laws are grouped into seven major categories: relationship and parental recognition; non-discrimination; religious exemptions; LGBTQ youth; healthcare; criminal justice; and the ability for transgender people to correct name and gender markers on identity documents. See the state's full profile for more detailed information.

Scores as of 11/23/2020. For full state profile, visit: [https://www.lgbtmap.org/equality\\_maps/profile\\_state/SD](https://www.lgbtmap.org/equality_maps/profile_state/SD)





**Recommended citation:** Movement Advancement Project. 2020. "State Equality Profile: South Dakota." [https://www.lgbtmap.org/equality\\_maps/profile\\_state/SD](https://www.lgbtmap.org/equality_maps/profile_state/SD). Accessed November 23, 2020.























# South Dakota's LGBTQ Laws and Policies

Click on each issue for more information and to see where the state fits into the national landscape.

**KEY**

-  Indicates state law or policy
-  Indicates local laws or policies and/or partial law
-  Indicates no law or policy
-  Enumeration not applicable

Relationship and Parental Recognition	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
<p>As a result of the 2015 U.S. Supreme Court decision in Obergefell, same-sex couples can marry nationwide and states must extend all the rights and benefits of marriage to same-sex couples. As a result, the following benefits are available to all married same-sex couples on the same basis they are available to married different-sex couples:</p> <ul style="list-style-type: none"> <li> Marriage for Same-Sex Couples</li> <li> Medical Decision-Making Authority for Married Same-Sex Couples</li> <li> Stepparent Adoption for Married Same-Sex Couples</li> <li> Joint Adoption for Married Same-Sex Couples</li> </ul>		1/1	—	—
Second-Parent Adoption for Unmarried Couples		0/1	—	—
<p>Family Services Nondiscrimination Laws</p> <ul style="list-style-type: none"> <li>Adoption Nondiscrimination Protections for LGBTQ Parents </li> <li>Foster Care Nondiscrimination Protections for LGBTQ Parents </li> </ul>		0.5/0.5		0.5/0.5
<ul style="list-style-type: none"> <li>Foster Care Nondiscrimination Protections for LGBTQ Parents </li> </ul>		0.5/0.5		0.5/0.5
Recognition for Parents Using Assisted Reproduction		0.5/1	—	—
Recognition of De Facto Parents		0/1	—	—
<p>State Family Leave Laws</p> <ul style="list-style-type: none"> <li>LGBTQ-Inclusive Definitions of Spouse/Partner </li> <li>LGBTQ-Inclusive Definitions of Children/Parents </li> </ul>		0/0.5	—	—
<ul style="list-style-type: none"> <li>LGBTQ-Inclusive Definitions of Children/Parents </li> </ul>		0/0.5	—	—
<b>Subtotal</b>		<b>2.5/6</b>		<b>1/1</b>
<b>Relationship and Parental Recognition Total</b>		<b>3.5/7</b>		

State Nondiscrimination Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
As a result of a June 2020 U.S. Supreme Court ruling, people in all states can seek recourse for employment discrimination based on sexual orientation and gender identity through the federal Equal Employment Opportunity Commission and federal courts.				
Employment Nondiscrimination Laws*	✘	0/1	✘	0/1
Housing Nondiscrimination Laws*	✘	0/1	✘	0/1
Public Accommodations Nondiscrimination Laws*	✘	0/1	✘	0/1
Credit and Lending Nondiscrimination Laws	✘	0/1	✘	0/1
Nondiscrimination Policies for State Employees	✘	0/0.5	✘	0/0.5
<b>Negative Law:</b> State Bans Cities and Counties from Passing Nondiscrimination Laws	No Negative Law	0/-1	No Negative Law	0/-1
<b>Subtotal</b>		<b>0/4.5</b>		<b>0/4.5</b>
<b>Nondiscrimination Total</b>		<b>0/9</b>		

\*If state lacks statewide law, tally looks at local Nondiscrimination ordinances in employment, housing, and public accommodations and provides partial points based on percent of LGBTQ population covered by local laws.

Religious Exemption Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
<b>Negative Law:</b> Broad "RFRA" or Religious Exemption Law	No Negative Law	0/-0.5	No Negative Law	0/-0.5
<b>Negative Law: Targeted Religious Exemption for Child Welfare Services</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>
<b>Negative Law:</b> Targeted Religious Exemption for Medical Professionals	No Negative Law	0/-1	No Negative Law	0/-1
<b>Negative Law:</b> Targeted Wedding Services	No Negative Law	0/-0.5	—	—
	No Negative Law	0/-0.5	—	—
<b>Subtotal</b>		<b>-1/-3.5</b>		<b>-1/-2.5</b>
<b>Religious Exemption Laws Total</b>		<b>-2/-6</b>		

LGBTQ Youth Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Nondiscrimination Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
Anti-Bullying Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
<b>Negative Law:</b> "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBTQ People or Issues in Schools	No Negative Law	0/-1	No Negative Law	0/-1
<b>Negative Law: Laws Banning Local Schools and Districts from Passing LGBTQ Nondiscrimination and/or Anti-Bullying Policies</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>
<b>Negative Law:</b> State Law Prevents Transgender Students from Participating in Sports Consistent With Their Gender Identity	—	—	No Negative Law	0/-1
Conversion Therapy Ban Covering LGBTQ Youth	✘	0/1	✘	0/1
Protections for LGBTQ Youth in the Child Welfare System	✔	0.5/1	✔	0.5/1
<b>Subtotal</b>	<b>-0.5/4</b>		<b>-0.5/4</b>	
<b>LGBTQ Youth Laws Total</b>	<b>-1/8</b>			

Healthcare Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Private Health Insurance Nondiscrimination Laws	✘	0/1	✘	0/1
Health Insurance Providers Banned from Excluding Coverage for Transgender-Specific Care	—	—	✘	0/1
State Medicaid Policy Related to Coverage for Transgender People	—	—	✘	0/1
Transgender Inclusive Health Benefits for State Employees	—	—	✘	0/0.5
Data Collection				
LGBTQ Adults	✘	0/0.5	✘	0/0.5
LGBTQ Youth	✘	0/0.5	✘	0/0.5
<b>Subtotal</b>	<b>0/2</b>		<b>0/4.5</b>	
<b>Healthcare Total</b>	<b>0/6.5</b>			

Criminal Justice Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Hate Crime Law Covering LGBTQ People	✘	0/1	✘	0/1
Ban on Panic Defense	✘	0/1	✘	0/1
<b>Negative Law: State Criminalizes Exposure to and/or Transmission of HIV</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>	<b>NEGATIVE LAW</b>	<b>-1/-1</b>
<b>Subtotal</b>		<b>-1/2</b>		<b>-1/2</b>
<b>Criminal Justice Total</b>	<b>-2/4</b>			

Ability for Transgender People to Correct Name and Gender Marker on Identity Documents	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Changing Gender Marker on Driver's Licenses	—	—	✘	0/1
Changing Gender Marker on Birth Certificates	—	—	✘	0/1
Gender Neutral Options				
"X" Option on Driver's Licenses	—	—	✘	0/0.5
"X" Option on Birth Certificates	—	—	✘	0/0.5
Name Change Process	—	—	<b>NEGATIVE LAW</b>	<b>-1/1</b>
<b>Subtotal</b>		<b>—</b>		<b>-1/4</b>
<b>Identity Documents Total</b>	<b>-1/4</b>			



Grand Totals	Sexual Orientation Policy Tally	Gender Identity Policy Tally	Overall Tally
<b>Totals</b>	<b>0/18.5</b>	<b>-2.5/20</b>	<b>-2.5/38.5</b>
<b>Ratings</b>	<b>LOW</b>	<b>NEGATIVE</b>	<b>NEGATIVE</b>

# Local Nondiscrimination Ordinances

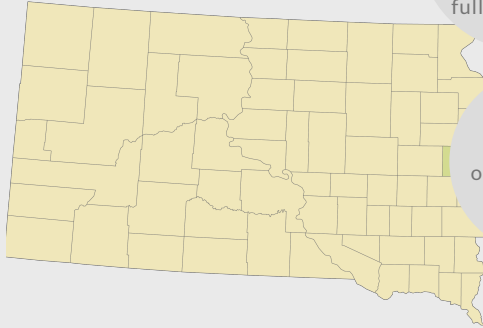
## SEXUAL ORIENTATION

**3%**

of population fully protected

**0%**

of population only partially protected



### LEGEND



County map only shows areas with full protections for sexual orientation (i.e., discrimination prohibited in private employment, housing,and public accommodations)

### CITY AND COUNTY NUMBERS:

**0** counties out of **66** have an ordinance prohibiting discrimination based on sexual orientation in private employment, housing,and public accommodations (full protections).

**1** city has an ordinance prohibiting discrimination based on sexual orientation in private employment, housing,and public accommodations (full protections).

**0** municipalities, not including those listed above, have an ordinance prohibiting discrimination based on sexual orientation in private employment, housing,or public accommodations (only partial protections). See table below.

**3%** of the state population is protected against discrimination based on sexual orientation in private employment, housing,and public accommodations (full protections).

An additional **0%** of the state population is protected against discrimination based on sexual orientation in private employment, housing,or public accommodations

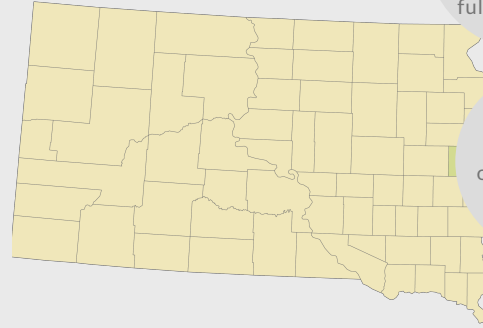
## GENDER IDENTITY

**3%**

of population fully protected

**0%**

of population only partially protected



### LEGEND



County map only shows areas with full protections for gender identity (i.e., discrimination prohibited in private employment, housing,and public accommodations)

### CITY AND COUNTY NUMBERS:

**0** counties out of **66** have an ordinance prohibiting discrimination based on gender identity in private employment, housing,and public accommodations (full protections).

**1** city has an ordinance prohibiting discrimination based on gender identity in private employment, housing,and public accommodations (full protections).

**0** municipalities, not including those listed above, have an ordinance prohibiting discrimination based on gender identity in private employment, housing,or public accommodations (only partial protections). See table below.

**3%** of the state population is protected against discrimination based on gender identity in private employment, housing,and public accommodations (full protections).

An additional **0%** of the state population is protected against discrimination based on gender identity in private employment, housing,or public accommodations (only partial protections).

(only partial protections).

### CITY AND COUNTY LISTING:

	Fully inclusive SO/GI protections	Local Sexual Orientation Protections			Local Gender Identity Protections		
		Employment	Housing	Public Accom.	Employment	Housing	Public Accom.
Brookings	✔	✔	✔	✔	✔	✔	✔

✔ - Local ordinance does not provide this protection, but county/state does

✔ - Local ordinance provides this protection

**NOTE:** Only jurisdictions with ordinances that prohibit discrimination in private employment are listed. Other localities may have executive orders that apply to government employees and these are not listed. The level of enforcement of these ordinances may vary by jurisdiction. This information is constantly changing, and we welcome suggestions for additions or changes. For questions regarding ordinances or any other aspect of the state profile, please contact MAP at [info@lgbtmap.org](mailto:info@lgbtmap.org).

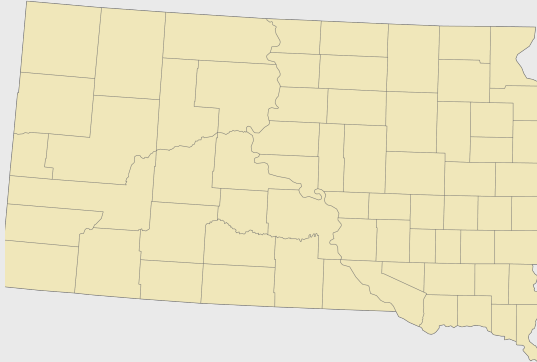
This data was collected in collaboration with the [Equality Federation](#) and [Equality South Dakota](#) and is maintained by MAP.



# Local Conversion Therapy Ordinances

## CONVERSION THERAPY BANS

0%  
of population  
protected



### LEGEND

State  
Protections

County  
Protections

City  
Protections

No  
Protections

NDOs  
Banned