



EQUALITY SOUTH DAKOTA

2026 Legislative Wrapup Report



Panel of the AIDS Memorial Quilt displayed in the Rotunda during Equality and Visibility Day on February 09. The display of the panel was made possible through the Rainbow Project of Sioux Falls.

This year we dealt with only two major bills impacting the transgender community. While we were able to kill SB 190, HB 1184 will be law on July 01.

HB 1184 – defines man and woman

“What is a man? What is a woman?” That question was asked repeatedly by Rep. Jon Hansen (R-Dell Rapids) as he was pitching his prime bill. The answer according to HB 1184 is a “female (or male) is an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes eggs (or sperm) for fertilization.” Sex is defined as “...as individual’s biological sex, either male or female.” The bill also defines man (adult male), woman (adult female), boy (minor human male), girl (minor human female), father (male parent), and mother (female parent). The bill also requires that these definitions shall apply to “all administrative rules, contracts, guidance documents, policies, practices, and statutes” of all state agencies and local political subdivisions (cities and school boards).

Rep. Hansen, who is also Speaker of the House and a Republican candidate for Governor, claims the purpose of his bill is not to promote any ideology but just to recognize biological reality. The bill had only two proponents – one being the senior counsel for Alliance for Defense of Freedom (a national conservative legal firm). The other was Norman Woods, lobbyist for SD Family Voice Action (SD’s anti-abortion, anti-LGBTQ, pro-life group), who claimed that this 8-page bill is nothing but a simple language cleanup bill. Bill proponents state the bill does not mention transgender (that’s true) and that it does not attack the trans community. However, various of their comments indicate otherwise.

The bill had seven opponents. Alex Hevlin’s (board member with Transformation Project Advocacy Network) testimony can be read here [\(20+\) Facebook](#)

Melissa McCauley (our lobbyist) stated that state and local agencies will be required to review and update all of their policies and documents to meet these definitions. This will take time and money to accomplish and put local agencies in conflict with federal regulations.

Miranda Gohn from Aberdeen claimed the bill would legally erase South Dakotans who are trans.

Dawson Lewis from Pierre stated “SD has many great traditions, but we also have a dark tradition of attacking people who are different.”

HB 1184 passed the House by 57-9-4 with all five Democrats voting against it and passed the Senate by 30-4-1 with all three Democrats and one Republican voting against it. See the accompanying voting record.

SB 190 – Parental Rights

We were able to kill Senator Tamara Grove's (R-Lower Brule) parental rights bill. SB 190 has been labeled as one of the most extreme "parental rights" bills in the country. It would have:

- Forced schools to out LGBTQ youth to their parents
- Would have allowed parents to block mental health support for their children dealing with sexual or gender identity issues
- Would have required parents to give their permission prior to their child receiving any LGBTQ related education
- Parents would have to approve their child's use of pronouns or names
- Allows parents to sue schools for \$5000 per violation

The bill's only proponents were SD Family Voice Action, national Alliance Defending Freedom Action, SD Catholic Conference, and Concerned Women for America. The bill had 10 opponents in the Senate hearing and 14 opponents in the House hearing. Opponents included the SD Dept of Social Services, the Attorney General's Office, educational groups, medical associations, and networks against family violence. Educational, law enforcement, and medical groups were opposed to SB 190 because the bill would not protect kids who were being abused by family members. SD Child Protective Services usually conducts medical or mental exams on children suspected of being abused. The bill would require the parent to give approval before an exam is conducted. An abusive parent generally would not consent to such an exam. Some legislators cited instances whereby an abusive parent would move their child from school to another school to coverup instances of abuse.

SB 190 passed the Senate by 19-15-1. It was twice killed in the House. The first vote killed the bill by 30 yeas to 35 nays with 5 being excused (approved absence). The next day Rep. Terri Jorgenson (R-Rapid City) moved to have SB 190 reconsidered. Her motion failed by 30-36-4. See the accompanying voting record.

HB 1161 - Sleeping Rooms

HB 1161 is a good bill that easily passed after being amended. Last year, the Legislature passed HB 1159 which banned the use of multi-occupancy restrooms, locker rooms, changing rooms, and sleeping quarters by members of the opposite sex for which the room is designated.

The Sioux Falls Fire Department has older buildings that when constructed had only a large bay sleeping quarters for male fire fighters. Now with female fire fighters on staff, men and women are sharing the same sleeping quarters without any problems according to the Sioux Falls Fire Chief.

However, this puts the City of Sioux Falls in violation of HB 1159. Also, the Denny Sanford Events Center (in Sioux Falls) is also in violation when theatrical events are doing rapid costume changes behind scenery because there isn't time to travel back to the appropriate sexed dressing room. Also HB 1159 prevented the City's Disability Coordinator from entering restrooms to check compliance with the American Disabilities Act.

Rep. David Kull (R-Brandon) brought HB 1161 on behalf of the City of Sioux Falls to exempt fire fighters, law enforcement personnel, governmental employees acting in an official capacity, and musical and theatrical entertainers from HB 1159. SD Family Voice Action, and some legislators felt these exemptions were going to far and the bill was killed in House State Affairs by 7-5-1. The opposition could see the need to exempt fire fighters and law enforcement in certain situations but they were opposed to allowing music and theatre performers to do costume changes (even though the performers were not completely stripping down) in front of one another.

Rep. Kull was able to amend HB 1161 by removing entertainers. The bill then passed committee by 12-0-1, the House by 62-4-4, and the Senate by 34-0. See accompanying voting record.

We supported HB 1161 and the amendment because it weakens the impact of last year's restroom, locker room, & sleeping quarters ban.

HCR 6010 – Same-Sex Marriage

Again, Rep. Tony Randolph (R-Rapid City) brought his resolution calling on the U.S. Supreme Court to ban the recognition of same-sex marriage. The resolution was quickly killed in House Judiciary Committee by 8-2-3. See accompanying voting record to see who voted for it.

Birth Certificate Bill

We were expecting Rep. Brandi Schaeftbauer (R-Aberdeen) to bring her birth certificate bill. A draft of the bill was prepared but never introduced. However, the SD Supreme Court issued a ruling on March 05 that a person cannot change the sex on their birth certificate. The case was brought by Sigrid Nielsen who was born in Hughes County (Pierre) and now lives in Minnesota. Though born a biological male, Nielsen identifies as a transgender woman. Nielsen argued that her Minnesota driver's license and passport identifies her as female. She wanted this reflected on her birth certificate. The Supreme

Court denied Nielsen's appeal by 5-0. Because of the Court's ruling, there will be no more birth certificates bills in the future.

Two Other Bills

HB 1153 would have allowed healthcare providers to deny providing services to individuals based upon the provider's ethical, moral or religious beliefs. The bill could apply to abortions, vaccinations, and transgender healthcare. The bill which was introduced by Rep. Leslie Heinemann (R-Flandreau) was killed in the House by 25 yeas to 41 nays. See accompanying voting record.

Rep. Kadyn Wittman (D-Sioux Falls) finally on her fourth attempt was able to get **HB 1082** passed and signed into law. HB 1082 would provide state financial assistance (around \$600,000 annually) to provide free or reduced-priced school meals to school kids that meet poverty guidelines. We supported this bill because it would benefit 2SLGBTQ kids or 2SLGBTQ parents with kids.

Equality and Visibility Day

The 2SLGBTQ lobby day was held on February 09. Around 15 LGBTQ and Allies from Sioux Falls, Rapid City, Brookings, Aberdeen, and Pierre were in the Rotunda to greet and visit with the 31 legislators who came down to get a box lunch. 130 lunches (we ran out) were served to legislators and Capitol staff. Equality SD, Transformation Project Advocacy Network, Sioux Falls Pride, Black Hills Center for Equality, and Pierre Area Center for Equality had information tables setup in the Rotunda along with a panel of the AIDS Memorial Quilt that was arranged by the Rainbow Project of Sioux Falls.

The same day was also SD Public Educators Day. The Capitol building was swarming with high school kids, teachers, administrators, and school board members. It was good for us to be in the Rotunda with our rainbow insignia. Out of the several hundred students, some of them had to be LGBTQ or questioning and it was good for them to see out and proud LGBTQ+ people in their State Capitol. As one group of students was walking through the Rotunda, we heard one student comment "Rainbows everywhere – disgusting". However, a student at the tailend of that group lingered a minute to pick up some materials from one of the tables. Later, another student came down by their self to visit with several of us. They were a student from a rural area who was kicked out of their home for being trans. They also were dealing with bathroom usage issues in school. So it was great that we were able to provide some visibility and support.

Thanks, Melissa

Transformation Project Advocacy Network, Equality SD, Sioux Falls Pride, and Black Hills Center for Equality went together and hired Melissa McCauley again this year to be our lobbyist. TPAN honored Melissa by giving her the Legislative Champion Award at their March Gala. An excerpt from the award announcement:

For the past two legislative sessions, Melissa McCauley has served as our South Dakotans for Equity lobbyist. She has been a steady, thoughtful, and determined presence during some very difficult legislative sessions. Day after day, she meets with lawmakers, lobbyists and various staff from government agencies, including the Governor's office. Her gifts lie in building relationships, finding common ground, and telling it like it is. Decision makers in Pierre respect her and value her opinion. Those conversations are not always easy. In fact, they are often exhausting. But Melissa shows up anyway, with patience, strategy, and an unwavering commitment to doing what is right. Every week she meets with our team, walking us through what she's hearing, what conversations are shifting, and where there may be opportunities to move hearts and minds. She carries the weight of those conversations with care, and she does so in a way that helps all of us stay grounded and informed. This year, she also helped shape a different approach. Transgender individuals have shared their stories for the past ten years in front of hostile House and Senate Committees, defending their own humanity. This year, Melissa worked intentionally to bring more allied organizations into those conversations, encouraging others to step forward, speak up, and stand alongside the trans community. The truth is that a lot of the victories we celebrate come from work most people never see. It is hours of conversations, careful strategy, and emotional resilience that happens far from microphones or headlines. Melissa's work matters more than (she) knows. Melissa helps create space for our community to breathe a little easier. Her help reminds people that common ground is still possible. And she does it all with such warmth and authenticity that it's hard not to want to listen.

LEGISLATIVE VOTING RECORD 2026 - Prepared by Equality SD

Legislator votes agree with Equality SD positions

Legislator voted entirely against the 2SLGBTQ+ community

Legislator has a mixed voting record on 2SLGBTQ+ issues

HB 1184 defines man and woman – NAY is correct vote

SB 190 establishes parental rights – NAY is correct vote

HB 1161 allows opposite sex in sleeping quarters – YEA is correct vote

HCR 6010 ban same-sex marriage – YEA correct vote that killed bill in committee

HB 1153 allow healthcare providers to refuse service based upon conscious. NAY is correct vote.

HOUSE OF REPRESENTATIVES

Representative	Party	District - Town	HB 1184	SB 190	HB 1161	HCR 6010	HB 1153
Andera, Bobbi	Rep	10 - Sioux Falls	NAY	NAY	YEA		Yea
Arlint, Amber	Rep	12 - Sioux Falls	Yea	NAY	YEA		NAY
Auch, Julie	Rep	18 - Yankton	Yea	Yea	YEA		Yea
Aylward, Aaron	Rep	06 - Harrisburg	excused	Yea	excused		Yea
Bahmuller, Jessica	Rep	19 - Alexandria	Yea	Yea	YEA		NAY
Bathe, Jeff	Rep	20 - Mitchell	excused	excused	excused		excused
Baxter, Heather	Rep	34 - Rapid City	Yea	Yea	YEA		Yea
Czmowski, Tim	Rep	06 - Lincoln County	Yea	excused	YEA		NAY
DeGroot, Roger	Rep	07 - Brookings	NAY	NAY	YEA		NAY
Derby, Mike	Rep	34 - Rapid City	Yea	NAY	YEA		NAY
Duffy, Steve	Rep	32 - Rapid City	Yea	NAY	YEA		NAY
Emery, Eric	Dem	26A - Rosebud	NAY	NAY	YEA		NAY
Fitzgerald, Mary	Rep	31 - Saint Onge	Yea	NAY	YEA	YEA	NAY
Fosness, Nick	Rep	01 – Britton	Yea	NAY	YEA		NAY
Garcia, Josephine	Rep	05 - Watertown	Yea	excused	YEA		Yea
Goodwin, Tim	Rep	30 - Rapid City	Yea	NAY	YEA		excused
Gosch, Spencer	Rep	23 - Glenham	Yea	Yea	YEA		Yea
Greenfield, Lana	Rep	22 - Doland	Yea	Yea	YEA		NAY
Halverson, Jim	Rep	21 - Winner	Yea	NAY	YEA		NAY
Hansen, Jon	Rep	25 - Dell Rapids	Yea	Yea	YEA		Yea
Healy, Erin	Dem	10 - Sioux Falls	NAY	NAY	YEA		NAY
Heermann, Melissa	Rep	07 - Brookings	Yea	NAY	YEA		NAY
Heinemann, Leslie	Rep	25 - Flandreau	Yea	Yea	YEA		Yea
Hughes, John	Rep	13 - Sioux Falls	Yea	Yea	YEA	YEA	NAY

Hunt, Jana	Rep	28A -Dupree	Yea	Yea	YEA	Nay	Yea
Ismay, Travis	Rep	28B - Newell	Yea	Yea	YEA		Yea
Jamison, Greg	Rep	12 - Sioux Falls	Yea	NAY	YEA		NAY
Jensen, Phil	Rep	33 - Rapid City	Yea	Yea	Nay		Yea
Jordan, Dylan	Rep	04 - Clear Lake	Yea	Yea	YEA		Yea
Jorgenson, Terri	Rep	29 - Rapid City	Yea	Yea	YEA		Yea
Kassin, Chris	Rep	17 - Vermillion	Yea	NAY	YEA		NAY
Kayser, Tony	Rep	14 - Sioux Falls	Yea	Yea	YEA		Yea
Kolbeck, Jack	Rep	13 - Sioux Falls	Yea	NAY	YEA		NAY
Kull, David	Rep	02 - Brandon	NAY	NAY	YEA	YEA	NAY
Ladner, Trish	Rep	30 - Hot Springs	Yea	NAY	YEA		excused
Lems, Karla	Rep	16 - Canton	Yea	Yea	YEA		Yea
Manhart, Logan	Rep	01 - Aberdeen	Yea	Yea	YEA		Yea
Massie, Curt	Rep	33 - Rapid City	Yea	NAY	YEA	Nay	NAY
May, Liz	Rep	27 - Kyle	Yea	Yea	YEA		NAY
Moore, Scott	Rep	23 - Ipswich	Yea	NAY	YEA		NAY
Mortenson, Will	Rep	24 - Pierre	Yea	NAY	YEA	excused	NAY
Muckey, Eric	Dem	15 - Sioux Falls	NAY	NAY	YEA		NAY
Mulally, Tina	Rep	35 - Rapid City	Yea	Yea	Nay		Yea
Mulder, Brian	Rep	11 - Sioux Falls	Yea	NAY	YEA		NAY
Nolz, Kaley	Rep	20 - Mitchell	Yea	Yea	YEA		Yea
Novstrup, Al	Rep	03 - Aberdeen	Yea	Yea	YEA		Yea
Odenbach, Scott	Rep	31 - Spearfish	Yea	Yea	YEA		Yea
Overweg, Marty	Rep	21 - New Holland	Yea	Yea	YEA		NAY
Peterson, Drew	Rep	19 - Salem	Yea	NAY	YEA		NAY
Pourier, Peri	Rep	27 - Pine Ridge	excused	Yea	excused	YEA	NAY
Randolph, Tony	Rep	35 - Rapid City	Yea	Yea	Nay		Yea
Rehfeldt, Taylor Rae	Rep	14 - Sioux Falls	Yea	NAY	YEA		NAY
Reimer, Rebecca	Rep	26B - Chamberlain	Yea	NAY	YEA	YEA	NAY
Reisch, Tim	Rep	08 - Howard	Yea	NAY	YEA	excused	NAY
Rice, Kathy	Rep	29 - Black Hawk	Yea	Yea	Nay		Yea
Roby, Matt	Rep	05 - Watertown	Yea	NAY	YEA	YEA	NAY
Roe, Kent	Rep	04 - Hayti	Yea	NAY	YEA		NAY
Schaefbauer, Brandei	Rep	03 - Aberdeen	Yea	Yea	YEA		Yea
Schwans, Tesa	Rep	09 - Hartford	Yea	Yea	YEA		Yea
Shorma, William	Rep	17 - Dakota Dunes	Yea	NAY	YEA		NAY

Shubeck, John	Rep	16 – Beresford	Yea	Yea	YEA		NAY
Sjaarda, John	Rep	02 - Valley Springs	Yea	Yea	YEA		Yea
Soye, Bethany	Rep	09 - Sioux Falls	excused	excused	excused	excused	excused
Stevens, Mike	Rep	18 - Yankton	NAY	NAY	YEA	YEA	NAY
Uhre-Balk, Nicole	Dem	32 - Rapid City	NAY	NAY	YEA		NAY
Van Diepen, Kevin	Rep	22 - Huron	Yea	NAY	YEA		NAY
Walburg, Tim	Rep	08 - Madison	Yea	NAY	YEA	YEA	NAY
Weems, Keri	Rep	11 - Sioux Falls	Yea	NAY	YEA		NAY
Weisgram, Mike	Rep	24 - Fort Pierre	Yea	NAY	YEA		NAY
Wittman, Kady	Dem	15 - Sioux Falls	NAY	NAY	YEA		NAY

Senate

Senator	Party	District - Town	HB 1184	SB 190	HB 1161
Beal, Arch	Rep	12 - Sioux Falls	excused	excused	excused
Blanc, Greg	Rep	35 - Rapid City	Yea	Yea	YEA
Carley, John	Rep	29 - Piedmont	Yea	Yea	YEA
Crabtree, Casey	Rep	08 - Madison	Yea	NAY	YEA
Davis, Sydney	Rep	17 - Burbank	Yea	NAY	YEA
Diebert, Randy	Rep	31 - Spearfish	Yea	NAY	YEA
Duhamel, Helene	Rep	32 - Rapid City	Yea	NAY	YEA
Foster, Red Dawn	Dem	27 - Pine Ridge	NAY	Yea	YEA
Grove, Tamara	Rep	26 - Lower Brule	Yea	Yea	YEA
Hohn, Joy	Rep	09 - Hartford	Yea	Yea	YEA
Howard, Taffy	Rep	34 - Rapid City	Yea	Yea	YEA
Hulse, Amber	Rep	30 - Hot Springs	Yea	Yea	YEA
Jensen, Kevin	Rep	16 - Canton	Yea	Yea	YEA
Karr, Chris	Rep	11 - Sioux Falls	Yea	Yea	YEA
Kolbeck, Steve	Rep	02 - Brandon	Yea	NAY	YEA
Lapka, Mark	Rep	23 - Leola	Yea	Yea	YEA
Larson, Liz	Dem	10 - Sioux Falls	NAY	NAY	YEA
Marty, Sam	Rep	28 - Prairie City	Yea	Yea	YEA
Mehlhaff, Jim	Rep	24 - Pierre	Yea	Yea	YEA
Miskimins, Paul	Rep	20 - Mitchell	Yea	NAY	YEA
Nelson, Lauren	Rep	18 - Yankton	Yea	Yea	YEA
Otten, Ernie	Rep	06 - Tea	Yea	NAY	YEA
Perry, Carl	Rep	03 - Aberdeen	Yea	Yea	YEA

Peterson, Sue	Rep	13 - Sioux Falls	Yea	Yea	YEA
Pische, Tom	Rep	25 - Dell Rapids	Yea	Yea	YEA
Reed, Tim	Rep	07 - Brookings	NAY	NAY	YEA
Rohl, Michael	Rep	01 - Aberdeen	Yea	Yea	YEA
Sauder, Stephanie	Rep	04 - Bryant	Yea	NAY	YEA
Schoenfish, Kyle	Rep	19 - Scotland	Yea	NAY	YEA
Smith, Jamie	Dem	15 - Sioux Falls	NAY	NAY	YEA
Vilhauer, Glen	Rep	05 - Watertown	Yea	NAY	YEA
Voight, Curt	Rep	33 - Rapid City	Yea	Yea	YEA
Voita, Mykala	Rep	21 - Bonesteel	Yea	Yea	YEA
Wipf, Branden	Rep	22 - Lake Bryon	Yea	NAY	YEA
Zikmund, Larry	Rep	14 - Sioux Falls	Yea	NAY	YEA