



STATE OF SOUTH DAKOTA

OFFICE OF THE GOVERNOR

LARRY RHODEN | GOVERNOR

March 25, 2026

Representative Jon Hansen  
Speaker of the House  
500 E. Capitol Ave.  
Pierre, SD 57501

Dear Speaker Hansen,

I write to inform the Legislature that I have VETOED House Bill 1138. I share the Legislature's objective of ensuring that people providing non-medical home care services are safe and qualified. That goal is worthy. But when government regulates, those regulations should be as limited and targeted as possible, and they should achieve what they set out to do. House Bill 1138 achieves neither of those goals. Instead, it imposes new regulation without delivering meaningful consumer protection.

This bill imposes a healthcare licensure framework on routine household services, casting far too wide a net. Under House Bill 1138, anyone who is compensated for cooking meals and cleaning house for an adult, regardless of age or medical need, would be classified as a "non-medical home care agency" and required to obtain a state license. The license carries a \$100 annual fee, a background check, mandatory training in bathing, dressing, and grooming, and professional liability insurance. Someone who is paid to help an adult with basic household tasks should not be subjected to the same regulatory framework designed for licensed healthcare providers.

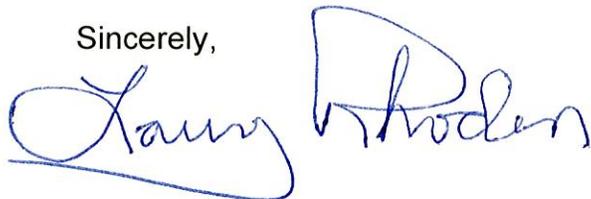
At the same time, the bill creates a false sense of consumer protection. The Department of Health has no authority to examine or verify the background checks. They would be limited to reviewing applications, training records, insurance documents, and attestations that background checks were completed, and only when reasonable cause already exists to do so. Under this bill, a one-person household service provider could conduct a so-called background check on themselves, and there is no accountability for that check. If a complaint is filed against a provider, the Department's sole recourse is to confirm that paperwork exists. This bill regulates paperwork, not care.

Finally, the bill risks reducing access to services without improving safety. Home care service providers are already limited across rural South Dakota. The regulations in this bill would fall disproportionately onto the small and solo providers that rural communities depend on. The result is reduced service availability, potentially forcing seniors out of

their homes and into assisted living or nursing facilities. The first rule of regulation should be to do no harm, but this bill would have major unintended consequences.

Protecting vulnerable South Dakotans is a responsibility I take seriously. House Bill 1138 misses the mark. For these reasons, I am returning House Bill 1138 with my VETO. I am directing the Department of Health to work with stakeholders to develop a more effective framework that provides meaningful protections without placing unnecessary burdens on those who provide essential services.

Sincerely,

A handwritten signature in blue ink that reads "Larry Rhoden". The signature is written in a cursive style with a large, prominent "R" and "D".

Larry Rhoden  
Governor

CC: Monae L. Johnson, Secretary of State  
Lieutenant Governor Tonnis H. Venhuizen, President of the Senate