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POLICY SPOTLIGHT

Bringing Portable Benefits to South Dakota's Independent Workforce

Modernizing benefit laws could empower over 75,000 workers in South Dakota

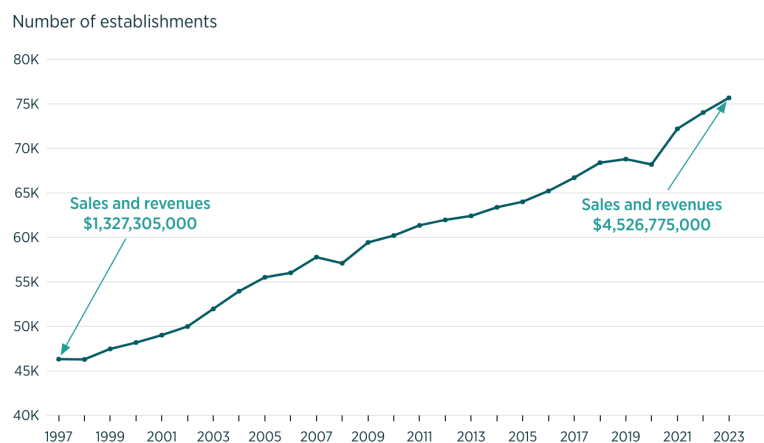
LIYA PALAGASHVILI | DECEMBER 2025

In today's economy, over 75,000 South Dakota residents are freelancers, contractors, or self-employed workers. They include rideshare and delivery drivers, truckers, freelance creatives, real estate agents, hairstylists, childcare providers, professional consultants, and countless other occupations. US Census Bureau data show that this is a growing workforce, generating over \$4.5 billion annually in revenue or sales for the state (figure 1).

Yet because these workers operate outside traditional employment, they often lack job-based benefits such as health insurance, retirement plans, and paid leave—not because companies are unwilling to offer the benefits, but because outdated laws make it risky to provide them to non-employees. Under South Dakota law, providing benefits can trigger reclassification as an “employee.”

Many self-employed workers could gain access to benefits if companies were legally allowed to contribute to portable benefit plans on their behalf.

FIGURE 1. Growth in self-employment in South Dakota, 1997 to 2023



Source: US Census Bureau, *Nonemployer Statistics (NES)*, last modified May 9, 2024, <https://www.census.gov/programs-surveys/nonemployer-statistics.html>.



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What Are Portable Benefits?

Portable benefits are a solution designed for today's flexible workforce. Tied to the individual worker—not a job or employer—portable benefits allow independent workers to receive contributions from multiple companies into a single worker-owned account managed by a bank or third-party platform. These accounts can support health insurance premiums, paid time off, retirement savings, and more.¹

Momentum Across the States

Several states are leading the way:

- **Maryland, Pennsylvania, and Georgia:** Governors in these states have supported a DoorDash program that gives Dashers support for paid time off and health insurance. In Pennsylvania, the program delivered over \$1.3 million benefits to previously ineligible workers. Of the participants, 77% felt more financially secure with the benefits, and 91% said they would feel even more secure if the pilot became permanent. Portable benefits legislation would provide a lasting solution.
- **Utah:** Passed the first voluntary portable benefits law in 2023; Target and Lyft launched a pilot program
- **Alabama and Tennessee:** Enacted laws in April 2025 similar to Utah's 2023 portable benefits law, removing legal barriers for companies to offer benefits to independent workers

The Worker's Case for Portable Benefits

- **Preference for independent work:** According to the Bureau of Labor Statistics, 80.3% of independent workers prefer to stay independent; only 8.2% prefer W-2 work.
- **Support for benefits:** 80.1% of self-employed workers want access to portable benefits.
- **Desire for balance:** Workers want security without sacrificing flexibility and independence.

Independent workers in South Dakota's top 10 industries would benefit from portable benefits laws:

- | | |
|--|---|
| 1. Real Estate & Rental Leasing | 6. Other Services (e.g., repair, personal care) |
| 2. Construction | 7. Health Care & Social Assistance |
| 3. Professional, Scientific, and Technical | 8. Finance & Insurance |
| 4. Retail Trade | 9. Administrative & Support Services |
| 5. Transportation & Warehousing | 10. Agriculture, Forestry, Fishing & Hunting |

The Business Case for Portable Benefits

- **Workforce stability:** Helps attract and retain a more reliable and engaged independent workforce
- **Legal clarity:** Enables companies to offer benefits without fearing legal backlash
- **Operational flexibility:** The voluntary, opt-in model avoids mandates for resource-constrained businesses, while empowering better-resourced companies to support their independent workers

Policy Recommendation for South Dakota

South Dakota can join the national movement by allowing workers to create portable benefits accounts and companies to contribute to portable benefits funds without triggering worker reclassification rules. In doing so, South Dakota can support a modern, inclusive economy that aligns with how people actually work today—empowering businesses to innovate and enabling workers to thrive.

¹ See <https://www.mercatus.org/research/policy-briefs/flexible-and-portable-benefits-independent-workers-state-policy-guide>.