



SOUTH DAKOTA
DEPARTMENT OF HEALTH

**Medical Cannabis Administrative Rules
Presentation to Interim Rules Review Committee
September 13, 2021**



Administrative Rules Development

- ❖ January 2021 – Contracted with Cannabis Public Policy Consulting (CPPC) to advise on implementation of medical cannabis program and assist with drafting administrative rules (ARSD 44:90)
- ❖ June 3 – Met with SD Municipal League and SD Association of County Commissioners to discuss draft rules and solicit comment
- ❖ June 4 – Met with SD State Medical Association to discuss draft rules and solicit comment
- ❖ June 10 – DOH staff visited the North Dakota Medical Cannabis Program to discuss best-practices, lessons learned and hear directly about challenges faced and response during program implementation
- ❖ June 16 – Held a virtual medical cannabis presentation with SD Association of Healthcare Organizations to discuss draft rules and solicit comment
- ❖ June 24 – released draft of ARSD 44:90 to the general public



Administrative Rules Development

- ❖ June 28 – Hosted two tele-townhalls to receive public input on the draft rules
 - 254 individuals actively participated in the townhalls
 - Vast majority of comments received related to inclusion of additional debilitating medical conditions
- ❖ June 29 – Hosted four Zoom sessions with stakeholders (cannabis industry, law enforcement, local municipalities/counties, and health care providers) to receive input on the draft rules
- ❖ July 16 – Met with representatives of the cannabis industry to receive input on draft rules
- ❖ Received 98 comments on draft rules from 25 different individuals/entities
 - 46 comments accepted/changes made (47%)
 - 21 comments not accepted due to conflict with SDCL 34-20G (e.g., allowing PAs/NPs to certify, allow practitioner access to database) (21%)
 - 12 comments not accepted based on impact on health and safety (e.g., incentives for caregivers, acceptable levels of pesticides/contaminants) (12%)
 - Remaining comments not accepted because they were unnecessary (e.g., allowing stakeholder input on RFP selection for inventory system)



Medical Cannabis in South Dakota Website / Media Outreach

- ❖ Established [MedCannabis.SD.gov](https://www.MedCannabis.SD.gov), a website for all South Dakotans to get the latest news and information on the progress of establishing a medical cannabis program in our state. This website went live on June 17th and is updated daily/weekly.
 - Information posted includes rules packages (draft, proposed, and revised), recordings of tele-townhalls, Zoom sessions, presentations to Medical Cannabis Legislative Subcommittee, administrative rules public hearing, and FAQs
 - 17,995 page views / 11,423 unique users

- ❖ Governor's [Public Service Announcement](#)
 - Available to view on the header of the MedCannabis website
 - 21,238 combined full video views (including 3,908 views on YouTube)
 - Complemented with a television (2,138 ads), radio (3,946 ads) and social media component
 - Social Engagement – 14,779 link clicks and 448 shares



Administrative Rules Promulgation Timeline

- ❖ July 27 – Released an updated draft of rules and initiated the formal rules promulgation process
 - Posted on [Administrative Rules portal](#) and medcannabis.sd.gov
 - Notice published in Aberdeen American News, Argus Leader, and Rapid City Journal
 - News release issued

- ❖ August 18 – public hearing on proposed ARSD 44:90
 - Remote testimony was permitted
 - Written comments accepted until August 28th

- ❖ 134 comments received from 48 different individuals/entities
 - 53 comments accepted/changes made (40%)
 - 31 comments not accepted due to conflict with SDCL 34-20G (e.g., changing definitions of statutorily defined terms, allowing PAs/NPs to certify) (23%)
 - 11 comments not accepted based on impact on health and safety (e.g., certification of home cultivation) (8%)
 - Remaining comments were not accepted because they were unnecessary/irrelevant (e.g., suggesting changes to statute, specifying application forms be electronic or paper)

- ❖ September 3 – Revised rules submitted to Interim Rules Review Committee and published on [Administrative Rules portal](#) and medcannabis.sd.gov



South Dakota Medical Cannabis Program

- ❖ Other states have developed their medical cannabis programs in 24 months on average. We will do it in under 12 months.
- ❖ The Department has made an effort throughout the rules drafting process to be inclusive of the public, the industry, and stakeholders. We have taken comments received at 11 meetings and collected 232 total comments on the rules as they were being developed to put together a responsible rules package that we believe represents the best interest of medical cannabis patients and the state.
 - 99 requested changes were accepted (42%)
 - 52 requested changes were in conflict with SDCL 34-20G and were not made (22%)
 - 23 requested changes were not made due to impact on health and safety (10%)
 - 58 comments were not applicable or appropriate for rules (26%)
- ❖ The Department looks forward to continuing our work with the industry, stakeholders and the Legislature as we move forward to implement a safe and responsible medical cannabis program that is patient-focused and responsive to their needs. These rules are the start of the program so patients can access medical cannabis.
- ❖ With the Committee's approval of these rules today, there are no remaining barriers to the Administration fully complying with IM26 and issuing cards by the November 18th deadline.