



SOUTH DAKOTA MEDICAL CANNABIS PROGRAM

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Medical Cannabis Patient Updates

Senate Bill 10 – Practitioners, that are neither the patient’s primary care provider nor a specialty provider treating the patient’s debilitating condition, must provide electronic notification of the issuance to either the patient’s primary care provider or to the referring practitioner – if that individual is caring for the patient’s debilitating medical condition. The primary care provider or the referring practitioner must include the notification in the patient’s medical file.

Senate Bill 12 – Employers may take adverse employment action or refuse to hire a person, based solely on a positive test result for cannabis metabolites, if the person is seeking employment in a safety-sensitive job. No cause of action is created for employment discrimination or wrongful termination arising from an employer’s enforcement of a drug-free workplace policy in compliance with SDCL Chapter 24-20G.

Senate Bill 42 – When the Department receives notice that a registry identification card is void from the practitioner, the registered qualifying patient has fifteen days to dispose of any cannabis in the registered qualifying patient’s possession. The Department shall submit the name and date of birth of all qualifying patients who receives a registry identification card to the prescription drug monitoring program authorized pursuant to chapter 34-20E.

Senate Bill 191 - If a practitioner is certifying an individual who is serving a probationary sentence or who is on conditional release or parole from a state correctional facility, the practitioner must attest that the use of medical cannabis is:

1. Consistent with the medical standard of care for the treatment of the individual’s documented debilitating medical condition and any symptoms associated with the debilitating medical condition;

2. Reasonable in light of the practitioner's observation and the individual's physical examination, diagnostic test results, medical history, and reported symptoms; and
3. Reasonable in light of the risks and benefits of medical cannabis as compared to the risks and benefits of other treatment options for the individual's debilitating medical condition and any symptoms associated with the debilitating medical condition.

House Bill 1024 - Requires that each application for a registry identification card and each application for a card renewal must include a notice that:

1. The Gun Control Act of 1968, 18 U.S.C. § 922 (January 1, 2024), prohibits any person who is an unlawful user of or addicted to any controlled substance, as defined by the Controlled Substances Act of 1970, 21 U.S.C. § 801, et seq., (January 1, 2024), from shipping, transporting, receiving, or possessing a firearm or ammunition;
2. Until marijuana is legalized under federal law, an individual who is a current user of marijuana is, under federal law, an unlawful user of a controlled substance; and
3. Federal law does not exempt the use of marijuana for medicinal purposes.