



SOUTH DAKOTA MEDICAL CANNABIS PROGRAM

600 EAST CAPITOL AVENUE
PIERRE, SD 57501-2536

“MC MINUTE”

05/06/2024

- ❖ **Changes to Patient/Caregiver Cards** – effective May 13, all patient and caregiver cards will be printed with the patient’s ID number in the upper left corner and will identify patients who are under age 21. See the specific *Card Changes Bulletin* that will be sent out and posted on the website.
- ❖ **METRC Categories** – a METRC bulletin was sent out April 29, 2024 that explains the changes in item categories which will be effective June 3, 2024.



Legislative Updates!

The following statutory changes will go into effect July 1, 2024, unless otherwise stated. Please plan accordingly:

Bill Number and Title	Description
SB 10 – Require that a notification of medical cannabis certification be provided to a patient’s primary or referring practitioner.	<ul style="list-style-type: none"> ○ Requires that a practitioner issuing a medical cannabis certification to an individual provide an electronic notification of the issuance of a medical cannabis certification to the patient’s primary provider or referring practitioner if the individual is not their patient. ○ Requires that the patient’s primary provider or referring practitioner must include the notification in the patient’s medical file.
SB 11 – Prohibit a practitioner from referring a patient to a medical cannabis clinic with which the practitioner or an immediate family member has a financial relationship and to provide a penalty therefor.	Prohibits a practitioner from referring a patient to a clinic for the purpose of getting a medical cannabis certification if that practitioner or an immediate family member has an ownership or investment interest in the clinic or a compensation arrangement.
SB 12 – Authorize certain employer actions regarding the use of cannabis by an employee or a prospective employee.	Allows employers to take employment action against an employee or refuse to hire an individual who tests positive for cannabis metabolites if the person is in a safety-sensitive job.
SB 42 – Modify provisions related to medical cannabis.	Updates medical cannabis statute:

	<ul style="list-style-type: none"> ○ Removes extracts from the definition of edible cannabis products to provide for a clearer definition ○ Prohibits patients from giving away any medical cannabis they have after a medical cannabis card has been voided by a practitioner. ○ Increases the time given to the Medical Cannabis Program to issue an establishment renewal certificate from ten days to 45 days. ○ Clarifies that required testing is on the product in the form immediately prior to retail sale to the patient. ○ Clarifies language requiring verification by a dispensary that a patient has not exceeded the allowable limit of medical cannabis prior to dispensing. ○ Allows the Medical Cannabis Program to place an establishment on probationary status when violations are present but certificate suspension or revocation is not necessary. ○ Requires the Medical Cannabis Program to submit the names and birth dates of those individuals who have a medical cannabis card to the PDMP.
<p>SB 43 – Establish procedures for the imposition of fines and probation against medical cannabis establishments, increase the allowable fee for a medical cannabis establishment registration certificate, and direct the Department of Health to promulgate rules to increase the fee for a registration certificate.</p>	<ul style="list-style-type: none"> ○ Increases the statutory cap for a medical cannabis establishment registration certificate from \$5,310 to \$20,000. ○ Directs the DOH to amend ARSD 44:90:03:17 to raise the certificate fee from \$5,310 to \$9,000. ○ Expands the DOH’s rulemaking authority to establish fines, not exceeding \$10,000 per inspection for establishments that commit multiple or serious violations of the medical cannabis laws.
<p>SB 71 – Remove a prohibition on the ability of law enforcement and various governmental entities to inspect, search, seize, prosecute, or impose disciplinary action on cannabis dispensaries, cultivation facilities, manufacturing facilities, and testing facilities.</p>	<p>Repeals language prohibiting law enforcement and other governmental entities from inspecting, searching, seizing, prosecuting, or imposing disciplinary action on licensed medical cannabis establishments.</p>
<p>SB 191 – Restrict the use of medical cannabis for individuals on probation or conditional release.</p>	<p>Establishes conditions under which an individual who is on probation or on conditional release or parole may use medical cannabis.</p>
<p>SB 219 – Modify provisions related to the control of counties and municipalities over medical marijuana establishments within their jurisdiction.</p>	<p>Permits counties and municipalities to impose restrictions on the time, place, setback requirements, and location of medical cannabis establishments.</p>
<p>HB 1024 – Require that an application for a medical marijuana registry identification card include a notice of federal law regarding firearms and the unlawful use of a controlled substance.</p>	<p>Requires the application for a medical cannabis registry identification card to include notification of the Federal Gun Control Act of 1968.</p>