South Dakota Marijuana Laws Q&A's

South Dakotans approved two ballot measures that will change marijuana laws across the state when they went to the polls on November 3, 2020.

South Dakota Department of Health has a website with up to date information: https://medcannabis.sd.gov/

- Preliminary List of Conditions for Medical Cannabis Program.

Flandreau Sioux Tribe Medical Marijuana Program – Sale of Medical marijuana can occur with a completed application and $50.00 fee.

Medical Marijuana Use (SD Initialed Measure 26) – *goes into effect July 1, 2021*

Voters approved the ballot measure to allow medical marijuana use 69.2% to 30.8%. This will require the state to create a medical marijuana program for people who have debilitating medical condition as certified by a licensed physician. It also:

- Allows patients to possess a maximum of three ounces of marijuana
  - Limits on other cannabis products would be set by the Department of Health.
- Allows patients registered to grow marijuana at home to have at least three plants.
- Establishes requirements for the State Department of Health, including:
  - Enact rules for implementing the medical marijuana program by October 29, 2021.
  - Issue registry identification cards to qualified patients by December 8, 2021.

There are other rules and restrictions involved in legalizing marijuana for both recreational and medical use. There are fines for violating the state and local regulations, taxes, and rules for licensing. Details on these areas are available at BallotPedia.

Recreational Marijuana Use (SD Constitutional Amendment A) – *still working its way through courts*

This Amendment was approved 53.41% to 46.59%. What this does, and doesn't, do:

- **Individuals 21 years old and older may use marijuana recreationally.** Possession, use and distribution of up to one ounce of marijuana would no longer be punishable under state law.
- No more than eight-grams can be in concentrated form. **Growing a personal supply might be allowed if:**
  - A person lives in a jurisdiction that does not have a licensed retail store for marijuana. There are limitations to this, including
  - Individuals may only grow up to three marijuana plants.
  - Plants must be kept in a private residence, in a locked space that is not visible from a public place.
  - If there is more than one person living in a home, the total number of plants permitted will not exceed six for the entire residence.
- **Local government control**
  - Local governments are allowed to ban the following in their jurisdictions:
  - Marijuana sale licensees
  - Marijuana cultivators
  - Testing facilities
  - Wholesalers and retail stores
  - They will not be able to prohibit people who are licensed from transporting marijuana while traveling through the jurisdiction on public roads.
- **What about drug use and testing for work?**
  - Employers may still do drug testing and prohibit marijuana use for employees

For more information on marijuana in South Dakota, call 211 or search our online database:

- helplinecenter.org/211database
  - Use the “keyword search” to find the following programs:
    - South Dakota Legislative Research Council
    - South Dakota Department of Health
    - South Dakota Department of Revenue
    - Marijuana Anonymous (for those who want to stop using marijuana)

Sources:

- https://medcannabis.sd.gov/
- Sioux Falls Argus Leader (11/4/2020- *2020 Election Results: Recreational Marijuana Passes in South Dakota*)
- BallotPedia

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