



SOUTH DAKOTA
DEPARTMENT OF HEALTH

Medical Marijuana Program Update

May 26, 2021



Overview

- ✓ Role of DOH
- ✓ Key implementation dates
- ✓ Implementation status
- ✓ Q&A





Role of DOH

- ✓ DOH is the lead state agency to implement the medical marijuana program
- ✓ Requirements per SDCL 34:20G include:
 - ✓ Development of criteria for applicants to qualify
 - ✓ Define amount individuals can possess
 - ✓ Current law has minimum of three plants for home grow
 - ✓ Issuance of cards to qualified individuals
 - ✓ Includes patients and caregivers
 - ✓ Allows non-residents to use medical marijuana in SD



Role of DOH

- ✓ DOH Requirements per SDCL 34:20G include (continued):
 - ✓ Registration of “establishments”, which includes cultivators, manufacturers and dispensaries
 - ✓ No limits to number of establishments in law
 - ✓ DOH will work with any local ordinances that are passed on number of establishments
 - ✓ Development of patient verification system for use by establishments and law enforcement
 - ✓ Development of testing criteria
 - ✓ Development of fees and sliding fee scale for patients
 - ✓ Implementation of administrative rules for each of these areas



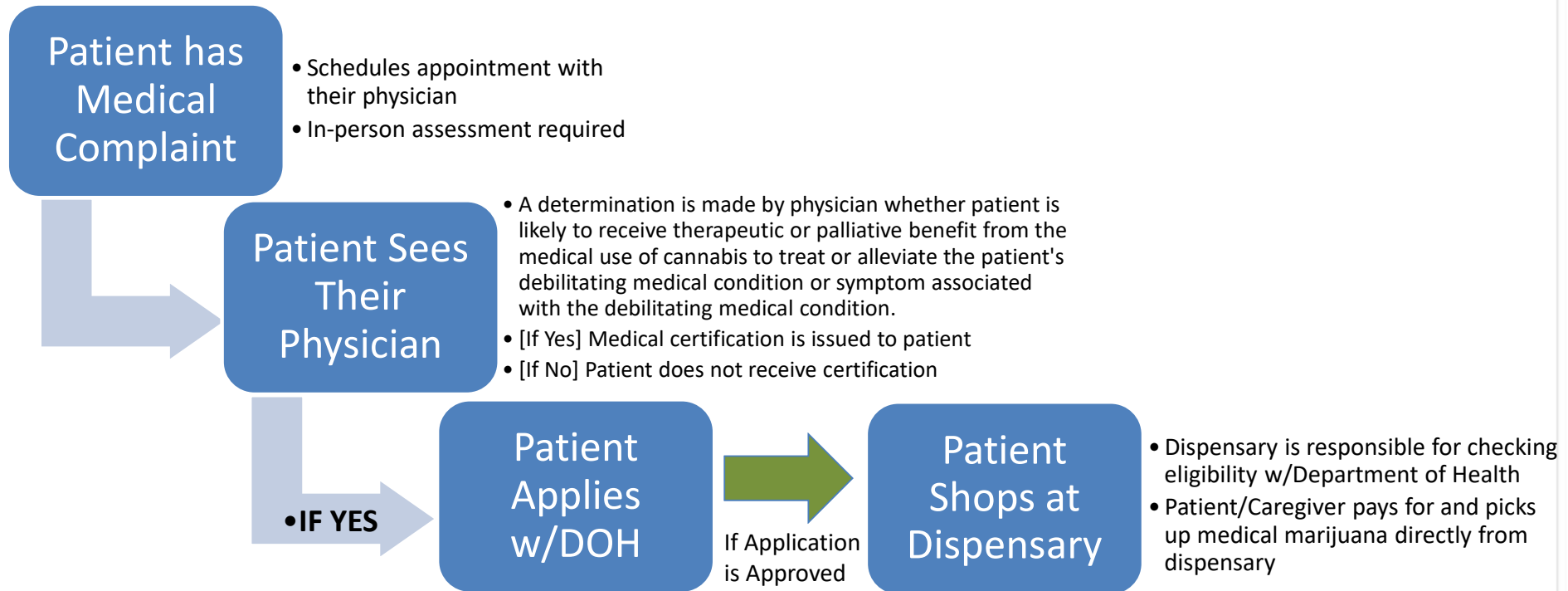
Key Implementation Dates

- ✓ Law effective: July 1, 2021
- ✓ ARSD effective October 29, 2021
- ✓ Cards issued to patients and caregivers by November 18, 2021
- ✓ SD grown marijuana crop not likely to be available before summer 2022





Process Overview



Note:

- Dispensaries, not pharmacies, will sell marijuana in SD
- Medical certification is not a prescription



Implementation Status

- ✓ DOH/DOR consultants on board- Cannabis Public Policy Consultants (CPPC)

- ✓ RFP for card holder and establishment registration system issued
 - ✓ April 26- RFP published
 - ✓ June 11: Responses due
 - ✓ August: Contract selection
 - ✓ September: Contract start date
 - ✓ By October 29: System in place

- ✓ Staff positions announced-interviews pending
 - ✓ Program manager
 - ✓ Attorney





Implementation Status

- ✓ Drafting Administrative Rules
 - ✓ 34-20G-72
 - ✓ How to add to list of qualifying conditions
 - ✓ Patient and caregiver card application and renewal processes
 - ✓ Establishment registration and renewal applications
 - ✓ Criteria to score establishment applications
 - ✓ Establishment oversight, security, manufacturing standards, health and safety requirements, transportation of product, employment and training requirements, advertising restrictions, packaging and labeling
 - ✓ Product labeling
 - ✓ Non-resident cardholder provisions
 - ✓ Cardholder/caregiver possession amounts
 - ✓ Fees for establishments and cardholders



Implementation Status

- ✓ Drafting Administrative Rules
 - ✓ June- Request input from stakeholders
 - ✓ July- Rules finalized
 - ✓ August- Public hearing
 - ✓ September- Rules Review Committee
 - ✓ October- Rules become effective

- ✓ Developing webpage on DOH website

- ✓ Working with Department of Public Safety on establishing inspection process

- ✓ SD Public Health Laboratory working on testing requirements





FAQs

Website: <https://doh.sd.gov/news/MedicalMarijuana.aspx>

Where can I access medical marijuana on July 1, 2021?

No licenses for medical marijuana establishments will be issued immediately following July 1, 2021. By October 29, 2021, the Department of Health will promulgate Administrative Rules to establish and implement program rules related to patient cards, medical marijuana establishments, and various related topics. Any sale or purchase of marijuana outside of the regulated medical marijuana establishments is illegal.

What are the qualifying conditions to become a medical marijuana patient?

Individuals must have a debilitating medical condition which is defined as:

- A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
- Any other medical condition or its treatment added by the department, as provided for in 34-20G-26.

The process to request qualifying conditions be added to the list will be governed by Administrative Rules. The Department of Health will promulgate these rules by October 29, 2021.



FAQs

Who provides the certification for a medical marijuana patient?

Per SDCL 34-20G-1, physicians with authority to prescribe drugs must provide a written certification stating that in their professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating condition or symptom associated with the debilitating condition. The document must affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

What kind of business licenses will be available for medical marijuana establishments?

SDCL 34-20G establishes the following license types: cultivator, manufacturer, dispensary, and testing. Collectively these are referred to as establishments. The Department of Health will promulgate rules related to medical marijuana establishments and the issuance of business licenses by October 29, 2021.



FAQs

Where do I apply for a medical marijuana business license?

The Department of Health will issue business licenses to medical marijuana establishments according to Administrative Rules that are under development. These rules will be promulgated by October 29, 2021.

Note: Additional licensure and operational requirements may be established/required at the local level.

To apply for a medical marijuana business license, what documents will I need and how much will the license cost?

This is under development. The Department of Health has until October 29, 2021 to promulgate rules related to business licensing and the associated fee structure.

Can my business transport marijuana from other states to sell in South Dakota?

No, the transportation of marijuana across state lines remains a federal crime and could result in federal criminal prosecution.



QUESTIONS

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