

2022 South Dakota Legislature

House Bill 1056**AMENDMENT 1056C FOR THE HOUSE JUDICIARY
ENGROSSED BILL**

1 **An Act to revise provisions related to medical cannabis data maintained by the**
2 **Department of Health.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 34-20G-86 be AMENDED:**

5 **34-20G-86.** Data in a registration application and supporting data submitted by a
6 qualifying patient, designated caregiver, nonresident cardholder or medical cannabis
7 establishment, including data on designated caregiver or practitioner, ~~is private data that~~
8 ~~is confidential~~ not a public record open to public access, inspection, or copying under
9 chapter 1-27. All other public records concerning registered medical cannabis
10 establishments are governed by chapter 1-27.

11 **Section 2. That § 34-20G-88 be AMENDED:**

12 **34-20G-88.** ~~Data~~ Confidential data or data that is not a public record kept or
13 maintained by the department may only be disclosed ~~solely for~~ as necessary to:

- 14 (1) ~~The verification of~~ Verify a registration certificate or registry identification card
15 pursuant to this chapter;
- 16 (2) ~~Submission of the annual report required by this chapter;~~
- 17 (3) ~~Notification of state or local~~ Notify law enforcement of an apparent criminal
18 violation of this chapter ~~or respond to law enforcement or prosecutorial officials~~
19 ~~engaged in the investigation or enforcement of the criminal provisions of this~~
20 ~~chapter;~~
- 21 (4)(3) ~~Notification of~~ Notify state and local law enforcement about falsified or fraudulent
22 information submitted for the purpose of obtaining or renewing a registry
23 identification card; ~~or~~

- 1 ~~(5)~~(4) ~~Notification of~~Notify the South Dakota Board of Medical and Osteopathic Examiners
2 if there is reason to believe that a practitioner provided a written certification and
3 the department has reason to believe the practitioner otherwise violated the
4 standard of care for evaluating a medical condition- or respond to the board, if the
5 board is seeking data relevant to an investigation of a person who holds a license
6 issued by the board;
- 7 (5) Any judicial authority under grand jury subpoena or court order or equivalent
8 judicial process for investigation of criminal, civil, or administrative violations
9 related to the use of medical cannabis;
- 10 (6) An authorized employee of the department performing official duties associated
11 with the medical cannabis program; or
- 12 (7) A practitioner to determine if a person in the practitioner's care engages in the
13 medical use of cannabis so the practitioner may assess possible drug interactions
14 or assess other medically necessary concerns.