



2025 South Dakota Legislature

House Joint Resolution 5001

Introduced by: **Representative Venhuizen**

1 **A JOINT RESOLUTION, Proposing and submitting to the voters at the next general**
 2 **election an amendment to the Constitution of the State of South Dakota,**
 3 **conditioning the requirement of expanded Medicaid on the level of federal**
 4 **medical assistance.**

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 **Section 1.** That at the next general election held in the state, the following amendment to
 7 Article XXI of the Constitution of the State of South Dakota, as set forth in section 2 of this
 8 Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for
 9 approval.

10 **Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be**
 11 **AMENDED:**

12 **§ 10.** ~~Beginning~~ For the period beginning July 1, 2023, and ending on the day that
 13 the federal medical assistance percentage, described in 42 U.S.C. § 1396d(y) (January 1,
 14 2025), is reduced below ninety percent, the State of South Dakota shall provide Medicaid
 15 benefits to any person over eighteen and under sixty-five whose income is at or below
 16 one hundred thirty-three percent of the federal poverty level plus five percent of the
 17 federal poverty level for the applicable family size, as authorized by federal law as of
 18 January 1, 2021. Such person shall receive coverage that meets or exceeds the
 19 benchmark or benchmark-equivalent coverage requirements, as such terms are defined
 20 by federal law as of January 1, 2021.

21 The State of South Dakota may not impose greater or additional burdens or
 22 restrictions on eligibility or enrollment standards, methodologies, or practices on any
 23 person eligible under this section than on any person otherwise eligible for Medicaid under
 24 South Dakota law, except that the State of South Dakota may, to the extent permitted by
 25 the United States Department of Health and Human Services, Centers for Medicare and

1 Medicaid Services, impose a work requirement on any person, eligible under this section,
2 who has not been diagnosed as being physically or mentally disabled.

3 No later than March 1, 2023, the Department of Social Services shall submit all
4 state plan amendments necessary to implement this section to the United States
5 Department of Health and Human Services, Centers for Medicare and Medicaid Services.

6 The State of South Dakota shall take all actions necessary to maximize the federal
7 financial medical assistance percentage in funding medical assistance pursuant to this
8 section.

9 This section shall be broadly construed to accomplish its purposes and intents. If
10 any provision in this section or the application thereof to any person or circumstance is
11 held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other
12 provisions or applications of the section that can be given effect without the invalid or
13 unconstitutional provision or application, and to this end the provisions of this section are
14 severable.