



2026 South Dakota Legislature

House Joint Resolution 5002

Introduced by: **Representative** Aylward

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 **repealing the requirement to provide expanded medicaid.**

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

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

9 **Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be**
10 **REPEALED.**

11 ~~Beginning July 1, 2023, the State of South Dakota shall provide Medicaid benefits~~
12 ~~to any person over eighteen and under sixty-five whose income is at or below one hundred~~
13 ~~thirty-three percent of the federal poverty level plus five percent of the federal poverty~~
14 ~~level for the applicable family size, as authorized by federal law as of January 1, 2021.~~
15 ~~Such person shall receive coverage that meets or exceeds the benchmark or benchmark-~~
16 ~~equivalent coverage requirements, as such terms are defined by federal law as of January~~
17 ~~1, 2021.~~

18 ~~The State of South Dakota may not impose greater or additional burdens or~~
19 ~~restrictions on eligibility or enrollment standards, methodologies, or practices on any~~
20 ~~person eligible under this section than on any person otherwise eligible for Medicaid under~~
21 ~~South Dakota law, except that the State of South Dakota may, to the extent permitted by~~
22 ~~the United States Department of Health and Human Services, Centers for Medicare and~~
23 ~~Medicaid Services, impose a work requirement on any person, eligible under this section,~~
24 ~~who has not been diagnosed as being physically or mentally disabled.~~

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

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

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