



## 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10 **REPEALED.**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.