Medical Marijuana Oversight Committee
Interim Committee 2026 Final Report

Study Assignment

In November 2020, South Dakota voters approved Initiated Measure No. 26 to create a medical marijuana program. The initiated measure established the Medical Marijuana Oversight Committee, which, according to SDCL 34-20G-93, is to meet at least twice per year for the purpose of evaluating the program and for making recommendations to the Legislature and Department of Health regarding:

- The ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical cannabis;
- The effectiveness of the dispensaries and cultivation facilities, individually and together, in serving the needs of qualifying patients, including the provision of education and support services by dispensaries, the reasonableness of their prices, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the state's registered qualifying patients;
- The effectiveness of cannabis testing facilities, including whether a sufficient number are operating;
- The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the department to ensure that access to and use of cannabis is provided only to cardholders;
- Any recommended additions or revisions to the department regulations or this chapter, including recommendations relating to security, safe handling, labeling, and nomenclature;
- Any research studies regarding health effects of medical cannabis for patients; and
- Any medical and clinical aspects of the medical cannabis program.

Summary of Meetings

The Medical Marijuana Oversight Committee met on August 17, 2026, for its first meeting of the interim. The Department of Health presented an overview of the program and answered questions from the committee. The Department of Health reported that 19,375 patients are participating in the program. Practitioners approved to certify patients include 117 physicians, 18 physician assistants, and 71 nurse practitioners. Currently operating in the state are 67 dispensaries, 30 cultivation establishments, 14 manufacturing facilities, and 1 testing facility. The program reported $2,647,333.11 in revenue and $1,554,331.28 in expenditures. Future projects for the program include a new software system for patients and providers, establishment registrations, and inspection tracking; robust, interactive data reporting on the medical cannabis program website; and other updates to the website. The Department will also be focused on navigating the changes that accompany the federal rescheduling of cannabis. The committee also heard a presentation about federal rescheduling from staff of the National Conference of State Legislatures.

The second meeting of the Medical Marijuana Oversight Committee occurred on October 13, 2026. A member of the attorney general's office delivered a presentation reviewing the potential impact that the federal rescheduling of cannabis will have on South Dakota's medical cannabis program. The opinion of the attorney general stated that "South Dakota's [medical cannabis] program may continue to operate as it has without impact from marijuana's federal rescheduling to a Schedule III controlled substance. How the program functions in the future will be a policy determination at the discretion of the Legislature or the voters of South Dakota". Next, the committee heard from a medical doctor who presented on a lack of clinical evidence supporting the efficacy and safety of cannabis use as medicine, which was followed by a doctor who reviewed federal rescheduling of marijuana and provided policy recommendations for state lawmakers. The South Dakota Department of Health then provided follow-up information regarding questions asked in the August 17, 2026, meeting. The committee then heard a presentation regarding the endocannabinoid system and the effects of phytocannabinoids on that system. Last, the committee

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heard from a doctor who presented information on the health and safety risks of cannabis use. The committee heard from members of the public, including stakeholders from the medical cannabis industry.

Committee Members

Representative Josephine Garcia, Chair; and Senator John Carley, Vice Chair. Representative Bobbi Andera. Senator Lauren Nelson. Non-Legislators Francine Arneson, Julie Bostic, Kasey Entwisle, Kristi Palmer, Andrew Schock, Jon Thum, and Pat West.

Staff Members

Ben Vukovich, Legislative Editor; Amanda Marsh, Committee Services Administrator.

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