



2024 South Dakota Legislature  
**Senate Bill 12**  
**ENROLLED**

AN ACT

**ENTITLED An Act to authorize certain employer actions regarding the use of cannabis by an employee or a prospective employee.**

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

**Section 1. That § 34-20G-22 be AMENDED:**

**34-20G-22.** Except as otherwise provided in this chapter, a registered qualifying patient who uses cannabis for a medical purpose must be afforded the same rights under state and local law, as the person would be afforded if the person were solely prescribed a pharmaceutical medication, as it pertains to:

- (1) Any interaction with a person's employer;
- (2) Drug testing by a person's employer; or
- (3) Drug testing required by any state or local law, agency, or government official.

Nothing in this section prohibits adverse employment action, based solely on a positive test result for cannabis metabolites, if the person is employed in a safety-sensitive job.

Nothing in this section prohibits an employer from refusing to hire a person, based solely on a positive test result for cannabis metabolites, if the person is seeking employment in a safety-sensitive job.

**Section 2. That § 34-20G-24 be AMENDED:**

**34-20G-24.** No employer is required to allow the ingestion, possession, transfer, display, or transportation of cannabis in any workplace or to allow any employee to work while under the influence of cannabis.

No employer is prohibited from establishing and enforcing a drug-free workplace policy, which may include a drug testing program that complies with state and federal law, or acting with respect to an applicant or employee under the policy.

No cause of action is created for employment discrimination or wrongful termination arising from an employer's enforcement of a drug-free workplace policy in compliance with this chapter.

An Act to authorize certain employer actions regarding the use of cannabis by an employee or a prospective employee.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 12

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 12  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State