



2025 South Dakota Legislature
House Joint Resolution 5001
ENROLLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

I certify that the attached Resolution originated in the:

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

House as Joint Resolution No. 5001

Filed _____, 2025
at _____ o'clock __M.

Chief Clerk

Secretary of State

Speaker of the House

Attest:

By _____
Asst. Secretary of State

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Joint Resolution No. 5001
File No. _____
Chapter No. _____