



2026 South Dakota Legislature

Senate Bill 95

Introduced by: **Senator Nelson**

1 **An Act to require that a medical cannabis cardholder provide a card or card number**
 2 **upon request of a law enforcement officer.**

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

4 **Section 1. That § 34-20G-2 be AMENDED:**

5 **34-20G-2.** A cardholder is not subject to arrest, prosecution, or penalty of any
 6 kind, ~~or denial of any right or privilege~~, including any civil penalty or disciplinary action by
 7 a court or occupational or professional licensing board or bureau, and may not be denied
 8 any right or privilege for:

9 (l) The medical use of cannabis in accordance with this chapter, ~~if the~~ provided that:

10 (a) The cardholder does not possess more than the allowable amount of
 11 cannabis, ~~and if any; and~~

12 (b) Any cannabis plant possessed by the cardholder is either cultivated in an
 13 enclosed, locked facility, ~~or is being transported;~~

14 (2) Reimbursement by a ~~registered~~ qualifying patient to the patient's ~~registered~~
 15 designated caregiver for direct costs incurred by the ~~registered~~ designated
 16 caregiver for assisting with the ~~registered~~ qualifying patient's medical use of
 17 cannabis;

18 (3) Transferring ~~the~~ cannabis to a testing facility;

19 (4) Compensating a dispensary or a testing facility for goods or services provided;

20 (5) Selling, transferring, or delivering cannabis seeds produced by ~~the~~ a cardholder to
 21 a cultivation facility or dispensary; or

22 (6) Offering or providing cannabis to a cardholder for a ~~registered~~ qualifying patient's
 23 medical use, to a nonresident cardholder, or to a dispensary ~~if, provided that~~
 24 nothing of value is transferred in return, ~~and the person cardholder~~ giving the
 25 cannabis does not knowingly cause the recipient to possess more than the
 26 allowable amount of cannabis.

1 Notwithstanding any other provision of this section, a cardholder is subject to arrest
2 pursuant to chapter 23A-3 if, upon request of a law enforcement officer, the cardholder
3 does not provide the cardholder's registry identification card or registry identification card
4 number.

5 **Section 2. That § 34-20G-3 be AMENDED:**

6 **34-20G-3.** ~~No~~ A nonresident cardholder is not subject to arrest, prosecution, or
7 penalty in any manner, ~~or denied any right or privilege,~~ including any civil penalty or
8 disciplinary action by a business or occupational or professional licensing board or entity,
9 and may not be denied any right or privilege, for transporting, purchasing, possessing, or
10 using medical cannabis in accordance with this chapter, if the nonresident cardholder does
11 not possess more than three ounces of cannabis and the quantity of cannabis products
12 established by rules promulgated by the department under § 34-20G-72.

13 Notwithstanding any other provision of this section, a nonresident cardholder is
14 subject to arrest pursuant to chapter 23A-3 if, upon request of a law enforcement officer,
15 the nonresident cardholder does not provide the nonresident cardholder's:

- 16 (1) Registry identification card; or
17 (2) Registry identification card number.