



FREQUENTLY ASKED QUESTIONS

PATIENT INFORMATION

How can I access medical cannabis?

Any sale or purchase of medical cannabis must comply with [SDCL 34-20G](#) and [ARSD 44:90](#). Any sale or purchase of cannabis outside of the regulated medical cannabis establishments is illegal.

What are the qualifying conditions to become a medical cannabis patient?

Under the law passed by the voters, a condition that allows a patient to use medical cannabis must be a “debilitating medical condition,” which is defined by [SDCL 34-20G-1](#) as “a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis”.

What is the process to apply for a medical cannabis card?

[ARSD 44:90:02](#) establishes the requirements for applying for a medical cannabis card including:

- A photocopy of an unexpired form of identification (e.g., driver’s license, passport, US government-issued ID card, tribal ID card, student ID card);
- A passport-quality photo; and
- A \$75 fee. Low-income individuals (those with gross monthly household income \leq 130% of the federal poverty level) can request a reduced fee by providing documentation of household income.

Applications for a medical cannabis card cannot be processed until the South Dakota Medical Cannabis Program receives the certification for medical cannabis use by the patient’s practitioner.

Is there a yearly renewal fee?

Yes, the renewal fee for a medical cannabis registry identification card is required at the time of renewal with no exceptions.

What type of photo should I submit with my application?

Per [44:90:04:04](#), a photograph meeting all the following requirements:

- a) A high-resolution color photo that is not blurry, grainy, pixelated, or digitally altered;
- b) Uses a clear image of the individual’s face without filters;
- c) Uses a plain white or off-white background;
- d) Is two by two inches in size;
- e) Is printed on matte or glossy photo quality paper; and
- f) Is not damaged with holes, creases, or smudges;

When will I be able to apply for a medical cannabis card?

The South Dakota Medical Cannabis Program began accepting applications from qualifying patients on November 8, 2021. [Click here](#) for an overview of the patient process.



Who provides the certification for a medical cannabis patient?

Per [SDCL 34-20G-1](#), a physician, physician assistant, or advanced practice registered nurse, who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence.

Is there a list of practitioners that will provide a certification for medical cannabis use?

No, the South Dakota Medical Cannabis Program does not maintain a list of practitioners who will provide a certification for medical cannabis use.

Can a medical cannabis patient have a designated caregiver?

Yes, so long as the designated caregiver:

- Is at least twenty-one years of age;
- Has agreed to assist with a qualifying patient's medical use of cannabis;
- Has not been convicted of a disqualifying felony offense; and
- Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed.

What do I need to be able to grow cannabis plants in my home?

As part of the application process to obtain a registry identification card for the South Dakota Medical Cannabis Program, applicants may also apply to cultivate no more than two flowering cannabis plants and two cannabis plants that are not flowering plants in their home.

Am I allowed to consume cannabis in a car?

This question should be referred to local law enforcement or the [South Dakota Department of Public Safety](#).

Where do I find the laws and administrative rules for medical cannabis in South Dakota?

Initiated Measure 26 became [SDCL 34-20G](#). Administrative rules for the program can be found at [ARSD 44:90](#).

How will medical professionals/care provider(s) and/or law enforcement representatives be able to verify I hold a valid medical cannabis permit holder?

The South Dakota Medical Cannabis Program has a statewide patient registry, verification, and licensing system to ensure that only verified patients and caregivers have access to medical cannabis. The patient verification system ensures that South Dakota law enforcement officials have the necessary tools to accurately identify medical cannabis patients/caregivers they may encounter.

Will the information I provide to obtain a medical cannabis registration be secure?

The South Dakota Medical Cannabis Program takes privacy and health information security seriously. The secure online registry system for patients, caregivers, practitioners, and law enforcement will meet or exceed all state and federal standards for confidentiality, accessibility, and information security.



How does medical cannabis use impact a qualifying patient’s employment, housing, parole status, child custody, etc.?

The South Dakota Medical Cannabis Program cannot provide legal advice to qualifying patients as to the impact of medical cannabis use. Qualifying patients or others with legal questions should consult with their own legal counsel.

Has the Department of Health authorized or partnered with any outside vendors to assist with the patient application process?

No. Our patient-friendly application process is [explained here](#) and no fee, other than an application fee, should be paid to apply for your medical cannabis patient/caregiver card. Individuals should use caution if using a business offering to assist with the application process. If you have been targeted or feel you have been victim to a scam, [please report it here](#). Got questions about the medical cannabis program? Call us at 605-773-3048.

MEDICAL CANNABIS ESTABLISHMENTS

What kind of business registrations will be available for medical cannabis establishments?

SDCL 34-20G establishes the following registration types: cultivator, manufacturer, dispensary, and testing. Collectively these are referred to as establishments.

Where do I find the laws and administrative rules for medical cannabis in South Dakota?

Initiated Measure 26 became [SDCL 34-20G](#). Administrative rules for the program can be found at [ARSD 44:90](#).

Where do I apply for a medical cannabis business registration?

You may register your medical cannabis establishment with the Department of Health [using this link](#). *Note: Additional registration and operational requirements may be established/required at the local level.*

To apply for a medical cannabis business license, what documents will I need, and how much will the registration cost?

The South Dakota Medical Cannabis program has developed a [checklist](#) to help establishments in preparing to apply for a medical cannabis establishment registration certificate.

Can my business transport cannabis from other states to sell in South Dakota?

No, the transportation of cannabis across state lines remains a federal crime and could result in federal criminal prosecution.

Can I buy seeds for my certified medical cannabis business from out of state?

Yes, [SDCL 34-20G-12](#) allows certified South Dakota medical cannabis cultivation establishments to purchase seeds from the equivalent of a medical cannabis establishment that is registered in another jurisdiction.



What do you do if you miss a plant on a previous batch? What is the best way to add it in?

You will not be able to create one additional plant and add it to an existing plant batch. The software will not allow you to use the same Immature Plant Batch name more than once. You will need to make the plant batch name slightly different. If you have already created the planting, you can rename the group by utilizing the "Rename" button.

What happens to the product sold to dispensaries after the extended 10/14/22 deadline?

Inventory sold to a dispensary prior to being logged into Metrc can be entered by the dispensary into Metrc by the deadline of October 14, 2022, as beginning inventory. This will allow the dispensary to continue to sell and be compliant with the regulations after the deadline.

Can a cultivation license purchase a flower from other facilities and add that in as beginning inventory?

The South Dakota Medical Cannabis Program is considering beginning inventory as any cannabis you have in your possession now, that you did not acquire from an in-state vendor with a pre-existing Metrc tag from South Dakota. The beginning inventory must be entered into Metrc no later than October 14, 2022.

FOR MEDICAL CANNABIS ESTABLISHMENT APPLICATIONS THAT MUST BE SUBMITTED BY NOVEMBER 1, 2021, PURSUANT TO ARSD [44:90:03:12](#):

Can I submit my establishment application without a sales tax ID number if I have not received a sales tax ID number from the Department of Revenue?

Yes, the Department of Health will allow applicants who must submit applications by November 1, 2021 (per ARSD 44:90:03:12) to submit applications that do not have a sales tax ID number. You must supplement your application with the sales tax ID number within 14 days of submission or as soon as you receive the sales tax ID number from the Department of Revenue. Please contact the Department of Health with questions.

Can I submit my establishment application to the Department of Health without Form E, the local government compliance certification?

Yes, the Department of Health will allow applicants who must submit applications by November 1, 2021 (per ARSD 44:90:03:12) to submit applications without an attached Form E. You must supplement your application with a completed Form E within 90 days of submission. Please contact the Department of Health with questions.