



# FREQUENTLY ASKED QUESTIONS

## ***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 industry is illegal.

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

Under the law passed by voters, [SDCL 34-20G-1\(8\)](#) defines the conditions required to be a medical cannabis patient.

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

[ARSD 44:90:02:04](#) establishes the requirements for applying for a medical cannabis card, including:

- A photocopy of an unexpired form of identification acceptable for voter identification under SDCL 12-18-6.1 (e.g., driver's license, state-issued non-driver ID card, passport, US government-issued ID card, tribal ID card, student ID card for a South Dakota school),
- A high-quality photo in front of a plain white background, and
- A \$75 fee. Low-income individuals (those with gross monthly household income  $\leq 130\%$  of the federal poverty level) can apply for a reduced fee by providing documentation of household income. Please see the [patient step-by-step guide](#) for a list of acceptable low-income evidence.

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. The fee is \$20 for those qualifying for low-income status and \$75 for all other applicants.

## ***What type of photo should I submit with my application?***

Per [44:90:02:04](#), a photograph must meet 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.

## ***Who provides the certification for a medical cannabis patient?***

Per [SDCL 34-20G-1\(21\)](#), a physician, physician assistant, or advanced practice registered nurse, who is licensed with authority to prescribe drugs to humans and is registered with the SD Medical Cannabis Program. 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, a designated caregiver must:

- Be at least twenty-one years of age,
- Agree to assist with a qualifying patient's medical use of cannabis,
- Have not been convicted of a disqualifying felony offense, and
- Assist 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, an accredited prevention or treatment facility, a mental health center, a child welfare agency, or community support provider where the designated caregiver is employed.

### ***What are the requirements for growing cannabis plants in my home?***

When applying for a patient identification card with the South Dakota Medical Cannabis Program, applicants may also apply for home cultivation which allows for a total of four cannabis plants in their home, two that are flowering and two that are not flowering. When applying for home cultivation status, the applicant **must** provide:

- Photo proof of the lock on the door of the enclosed, locked facility where the cannabis will be cultivated,
- A diagram/floor plan of the enclosed growing area that indicates the location of the plants,
- Photos of the room/area where the cannabis will be cultivated, and
- The additional \$20 fee for home cultivation status.

### ***I had my card stolen or lost it. How do I get a replacement card?***

To get a replacement for a lost or stolen card, the patient will need to log into their patient portal at [www.medcannabisapplication.sd.gov/](http://www.medcannabisapplication.sd.gov/), click the "Report my Card Lost or Stolen" button, and follow the prompt. There is a \$20 fee for a replacement card. Replacement cards will have the same expiration date as the original card.

### ***Am I allowed to consume cannabis in a car?***

Certain conduct regarding the use of cannabis is still prohibited. For example, refer to [SDCL 34-20G-18](#) or consult private counsel.

***Where do I find the laws and administrative rules for medical cannabis in South Dakota?*** Initiated Measure 26 was codified under [SDCL 34-20G](#). Administrative rules for the program are located 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 card?***

The South Dakota Medical Cannabis Program has a statewide patient registry, verification, and certification system. The patient verification system is located at <https://medcannabisverify.sd.gov> and provides a resource to South Dakota law enforcement officials to verify whether an individual is a valid medical cannabis cardholder.

***Will the information I provide to obtain a medical cannabis registration be secure?*** The secure online registry system for patients, caregivers, and practitioners maintains the confidentiality of all submitted information.

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

The South Dakota Medical Cannabis Program does not provide legal advice regarding the impact of medical cannabis use. Anyone with legal questions should consult their own legal counsel.

***As a cardholder, will I receive a refund for the recalled products that I purchased?*** The SD Department of Health does not provide refunds for recalled products. Any questions concerning refunds must occur directly with the establishment that sold the product.

***As a cardholder, will I be reimbursed for any medical treatment I received that may have been a result of consuming the recalled product?***

The SD Department of Health does not provide reimbursement for medical treatment as a result of the consumption or use of a recalled product.

***What are the reasons for the recall?***

Each recall is based on its own set of facts. Every recall that is initiated by the SD Department of Health will be posted with relevant recall information, including any safety concerns, under the ['News/Announcements' tab](#).

***Is the recalled product safe to use again?***

Each recall is based on its own set of facts. Every recall that is initiated by the SD Department of Health will be posted with relevant recall information, including any safety concerns, under the ['News/Announcements' tab](#).

***How do I know if a product has been recalled?***

A list of recalled products, identified by their tag numbers, can be found under the ['News/Announcements' tab](#).

***Who should I contact if I'm having issues with my card or application?***

Any questions regarding your card or application can be directed to our office by emailing [MCQuestions@state.sd.us](mailto:MCQuestions@state.sd.us).

***What kind of business registrations will be available for medical cannabis establishments?*** SDCL 34-20G recognizes the following registration types: cultivator, manufacturer, dispensary, and testing.

***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 certificate for a medical cannabis establishment?***

You may apply for a registration certificate with the Department of Health [using this link](#). Note: Additional registration and operational requirements may be required at the local level.

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

The South Dakota Medical Cannabis program has developed a [checklist](#) to assist establishments in preparing to apply for a medical cannabis establishment registration certificate. The applicable certificate fee can be found in [ARSD 44:90:03:17](#).

***Can my business transport cannabis from other states to sell in South Dakota?*** No, the transportation of cannabis across state lines remains illegal and could result in 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.

***As a dispensary, will I receive a refund for the recalled products that were purchased?*** The SD Department of Health does not provide refunds to dispensaries for recalled products. Please refer to your purchase agreement with the manufacturer or cultivator and consult with your private attorney.

If you have questions, please contact [MCQuestions@state.sd.us](mailto:MCQuestions@state.sd.us).