



South Dakota - State Specific Information

Information provided is current as of August 16, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	2020 - (Measure 26)
Recreational Use	Not legal
Possession/Personal Use Specifics	Medical cannabis patients can possess up to three ounces of marijuana. This includes other cannabis-derived products. It's important to note that this possession limit only applies to registered patients with a valid medical cannabis card.
	Senate Bill 24, as amended in conference committee, permits registered patients to cultivate a total of four marijuana plants (two mature, two immature) and to legally possess the harvest from those plants.

State Regulatory Agency Information

State Regulatory Agency	South Dakota Medical Cannabis Program
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Employers generally have broad discretion to implement drug testing programs, including pre-employment, random, post-accident, and reasonable suspicion testing. *Remember, establishing robust documentation is a key risk mitigant for employers in states like South Dakota.
Safety Sensitive Positions	Employers typically define safety-sensitive positions as those where impairment could endanger employees or others, such as operating machinery or driving.
Privacy Laws	Drug test results are considered confidential medical information. Employers must handle these results with care and avoid disclosing them to unauthorized individuals. Additionally, the collection process should be conducted in a manner that respects employee privacy.