



- South Dakota

South Dakota - State Specific Information

Information provided is current as of January 2, 2026, 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	Registered medical patients may possess up to 3 ounces of cannabis. Patients who are authorized to grow at home may cultivate up to 2 flowering plants and 2 non-flowering plants (4 total).
	The harvest from those plants does not count toward the 3-ounce possession limit as long as it stays on the property where it was grown.

State Regulatory Agency Information

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

State Testing Policy

General Information	South Dakota remains a medical-only state. While the law generally provides medical patients the same rights as those using pharmaceutical meds, SB 12 (effective July 2024) created a major exception: employers can legally fire or refuse to hire medical cardholders in safety-sensitive positions based strictly on a positive drug test. For non-safety roles, employers cannot discipline a patient solely for having a card, but they maintain a "safe harbor" to enforce zero-tolerance, drug-free workplace policies without fear of wrongful termination lawsuits.
Safety Sensitive Positions	A safety-sensitive position is defined as any role where the employer determines that an employee's impairment would "pose a serious risk of physical harm" to themselves, coworkers, or the public. This includes operating vehicles, heavy machinery, or handling hazardous materials. For these roles, medical cardholders have no protection against a positive THC test.
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.