



2025 South Dakota Legislature

House Bill 1209

Introduced by: **Representative** Fitzgerald

1 **An Act to repeal authorization for the use of medical cannabis by a probationer or**
 2 **parolee.**

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

4 **Section 1. That § 34-20G-96 be REPEALED.**

5 ~~In order for an individual who is serving a probationary sentence under the~~
 6 ~~supervision of the Unified Judicial System or who is on conditional release or parole from~~
 7 ~~a state correctional facility under the legal custody of the Department of Corrections to~~
 8 ~~utilize medical cannabis, the individual's practitioner must attest that the use of medical~~
 9 ~~cannabis is:~~

10 ~~(1) — Consistent with the medical standard of care for the treatment of the individual's~~
 11 ~~documented debilitating medical condition and any symptoms associated with the~~
 12 ~~debilitating medical condition;~~

13 ~~(2) — Reasonable in light of the practitioner's observation and the individual's physical~~
 14 ~~examination, diagnostic test results, medical history, and reported symptoms; and~~

15 ~~(3) — Reasonable in light of the risks and benefits of medical cannabis as compared to~~
 16 ~~the risks and benefits of other treatment options for the individual's debilitating~~
 17 ~~medical condition and any symptoms associated with the debilitating medical~~
 18 ~~condition.~~