



2022 South Dakota Legislature

House Bill 1056

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative** Deutsch

1 **An Act to revise provisions related to medical cannabis data maintained by the**
 2 **Department of Health.**

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

4 **Section 1. That § 34-20G-86 be AMENDED:**

5 **34-20G-86.** Data in a registration application and supporting data submitted by a
 6 qualifying patient, designated caregiver, nonresident cardholder or medical cannabis
 7 establishment, including data on designated caregiver or practitioner, ~~is private data that~~
 8 ~~is confidential~~ not a public record open to public access, inspection, or copying under
 9 chapter 1-27. All other public records concerning registered medical cannabis
 10 establishments are governed by chapter 1-27.

11 **Section 2. That § 34-20G-88 be AMENDED:**

12 **34-20G-88.** ~~Data~~ Confidential data or data that is not a public record kept or
 13 maintained by the department may only be disclosed ~~solely for~~ as necessary to:

14 (1) ~~The verification of~~ Verify a registration certificate or registry identification card
 15 pursuant to this chapter;

16 (2) ~~Submission of the annual report required by this chapter;~~

17 (3) ~~Notification of state or local~~ Notify law enforcement of an apparent criminal
 18 violation of this chapter or respond to law enforcement or prosecutorial officials
 19 engaged in the investigation or enforcement of the criminal provisions of this
 20 chapter;

21 (4)(3) ~~Notification of~~ Notify state and local law enforcement about falsified or fraudulent
 22 information submitted for the purpose of obtaining or renewing a registry
 23 identification card; ~~or~~

24 (5)(4) ~~Notification of~~ Notify the South Dakota Board of Medical and Osteopathic Examiners
 25 if there is reason to believe that a practitioner provided a written certification and

- 1 the department has reason to believe the practitioner otherwise violated the
2 standard of care for evaluating a medical condition- or respond to the board, if the
3 board is seeking data relevant to an investigation of a person who holds a license
4 issued by the board;
- 5 (5) Any judicial authority under grand jury subpoena or court order or equivalent
6 judicial process for investigation of criminal, civil, or administrative violations
7 related to the use of medical cannabis;
- 8 (6) An authorized employee of the department performing official duties associated
9 with the medical cannabis program; or
- 10 (7) A practitioner to determine if a person in the practitioner's care engages in the
11 medical use of cannabis so the practitioner may assess possible drug interactions
12 or assess other medically necessary concerns.