

Jason Karimi

[REDACTED]

Sioux Falls, South Dakota [REDACTED]

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Date: \_\_\_\_\_

South Dakota Department of Health

Office of the Secretary

600 East Capitol Avenue

Pierre, South Dakota 57501

RE: Petition for Declaratory Ruling and Mandatory Scheduling Review of Cannabis

Dear Secretary:

Enclosed please find a formal Petition for Declaratory Ruling and Mandatory Scheduling Review submitted pursuant to SDCL §§ 34-20B-11, 34-20B-27, and Chapter 1-26 of the South Dakota Codified Laws.

The Petition requests a formal administrative determination regarding the continued classification of cannabis as a Schedule I controlled substance under South Dakota law.

The Petition presents a question of statutory interpretation: whether cannabis may lawfully remain classified in Schedule I under SDCL § 34-20B-11 when South

Dakota law affirmatively regulates and recognizes its medical use under Chapter 34-20G.

In addition, the Petition documents recent federal scientific and legal developments relevant to the statutory criteria for Schedule I classification. In 2023, the United States Department of Health and Human Services concluded that cannabis does not satisfy Schedule I criteria under the federal Controlled Substances Act and recommended rescheduling. In April 2024, the Department of Justice Office of Legal Counsel concluded that HHS's two-part analytical framework for determining "currently accepted medical use" is legally sufficient under the CSA. Subsequent DEA rulemaking notices have acknowledged and cited that framework.

While federal scheduling does not control state law, these developments bear directly on the statutory elements of accepted medical use and safety under medical supervision as set forth in SDCL § 34-20B-11.

Petitioner respectfully requests issuance of a written decision constituting final agency action subject to judicial review under SDCL § 1-26-30.

Thank you for your consideration of this matter.

Respectfully submitted,

Jason