WEEDPRESS BRIEFING · NOV. 23, 2026

Medical Cannabis and Federal Schedule III

Background for the 102nd South Dakota Legislature, 2027 session. Informational only. Not legal advice. Not a request for any vote or action.

SESSION HUB ESTABLISHMENT TABLE

Hub: **weedpress.org/sd-2027-session** · Establishment table: **weedpress.org/establishment-status** · Bill tracker: **weedpress.org/cannabis-bill-tracker**

A summary of official records and published WeedPress reporting on the April 2026 federal rescheduling order, South Dakota's medical cannabis program (SDCL ch. 34-20G), and items that may reach the 2027 session, which opens Jan. 12, 2027. Figures are as of the dated sources on page 2.

WHAT CHANGED FEDERALLY

On April 28, 2026, a final order published in the *Federal Register* placed in Schedule III of the federal Controlled Substances Act: marijuana (and marijuana extract) subject to a qualifying state medical-marijuana license, naturally derived delta-9-tetrahydrocannabinols found therein, and those substances when contained in FDA-approved products. Other marijuana remains in federal Schedule I.[1] The order did not amend South Dakota law.

Entities with a qualifying state license may apply for DEA registration.[1] Applicants who submitted a complete application and paid the applicable registration fee during the April 28–June 26, 2026 window may qualify for "timely applicant" protection while the application remains pending, provided the other DEA conditions are met, under DEA's Oct. 30, 2026 guidance. The guidance says timely applicants are expected to have a compliant supply chain by Nov. 29, 2026, dealing only with DEA registrants or other qualifying timely applicants, and states that it does not have the force and effect of law.[2] On Nov. 6, DEA told WeedPress that registrants "are responsible for exercising due diligence to ensure that their suppliers maintain a valid DEA registration."[3]

WHAT THAT MEANS FOR SOUTH DAKOTA'S PROGRAM (SDCL CH. 34-20G)

The medical cannabis program continues under chapter 34-20G, which directs the Department of Health to issue establishment registration certificates—not a credential the statute titles a "state medical marijuana license." A state registration certificate is not, by itself, a DEA registration.[4]

Federal Schedule III placement does not rewrite South Dakota's schedules in chapter 34-20B. Attorney General Official Opinion 26-06 (Oct. 6, 2026) states that marijuana "is not scheduled in South Dakota as a controlled substance pursuant to SDCL ch. 34-20B," while possession and distribution remain prohibited outside the medical program. Its answer concludes: "Because current Drug Enforcement Administration (DEA) administrative rules permit state medical-marijuana facilities to continue operating with proper federal and state registration, the federal rescheduling of marijuana will likely have a negligible impact on South Dakota's medical-marijuana program." Any state rescheduling, the opinion says, would have to be taken by the Legislature or the voters, independently of the federal order.[5] Tetrahydrocannabinol is listed in Schedule I under SDCL 34-20B-14(20), with an exception for marijuana in its natural and unaltered state; hashish and hash oil are listed separately in § 34-20B-14(10).[6]

Amendments to Article 44:90, the medical cannabis rules, took effect Nov. 5, 2026.[7] Separately, a Sept. 21, 2026 email from the Office of Medical Cannabis said the department was preparing 2027 legislation to revise SDCL 34-20G-55, 34-20G-56, 34-20G-58, and 34-20G-72. The email says the changes would give municipalities and counties "express authority to establish and apply rules for determining registration preferences" when applicants exceed a local numerical cap, and would "remove or modify certain Department requirements for establishments applying for state certification," without identifying which requirements. WeedPress has not seen the draft. The City of Hot Springs, asked for a copy, wrote that it had been told the draft "is not considered public record."[8,9] As of Nov. 22, 2026, no 2027 bills had been filed.[10]

The Medical Marijuana Oversight Committee's 2026 final report, accepted by the Legislature's Executive Board on Nov. 10, listed no recommendations and no draft legislation for 2027. Presenting the report, the committee chair suggested ending the committee; the board took no action to dissolve it. A statutory change would be required to end or restructure the committee. A 2026 repeal bill, HB 1160, passed the House 41–26 and failed in the Senate 15–19.[11,12]

REGISTRATION STATUS OF SOUTH DAKOTA OPERATORS

The Department of Health's public list, content last updated Nov. 10, 2026, has 104 establishment rows: 28 cultivation, 13 manufacturing, 1 testing, and 62 dispensaries. Four establishments on the Nov. 2 list do not appear on the Nov. 10 list; none were added. Removal from the list is not, by itself, a finding of a violation.[13] DEA's public timely-applicant file does not name businesses. The Nov. 10, 2026 file listed, for South Dakota, 1 dispensary, 10 manufacturer, and 2 distributor entries (13 total), unchanged since Nov. 2. Applications leave that file when they are approved or withdrawn. A business absent from public documentation may still be a registrant or a timely applicant.[14]

As of the Nov. 11, 2026 update of WeedPress's establishment table, WeedPress had independently reviewed DEA registration certificates—both issued Oct. 30, 2026—for two state-listed dispensaries: Ruthie's Dispensary (Ruthie's, LLC) in Wagner, and Trails Head Cannabis Company (Deadwood Growhouse LLC) in Deadwood. Other reported federal statuses have not been independently confirmed from a primary document. This is not a complete roster of lawful counterparties, and it is not an endorsement.[15] On Nov. 13, Tia Kafka of the Department of Health's Office of Communication & Marketing told WeedPress: "The DEA has authority over its regulations and how these regulations are interpreted with regard to federally eligible suppliers. The Department has no authority to do so."[16]

QUESTIONS LAWMAKERS CAN ASK THE DEPARTMENT OF HEALTH

1. Will the department file a 2027 bill revising SDCL 34-20G-55, 56, 58, and 72, as described in the Sept. 21 email? If so, will the draft be made public before introduction?
2. Which certification requirements would the draft remove or modify, and how would local "express authority" over registration preferences interact with the current state scoring and lottery rules (ARSD 44:90:03:15 and 44:90:03:16)?
3. Has the department made a determination under SDCL 34-20B-27 as to whether tetrahydrocannabinol has a different potential for abuse after the federal order, and will it recommend any rescheduling to the Legislature?[5]
4. Is the department coordinating with DEA on operator registration, or on how state-registered establishments should identify federally eligible suppliers?
5. What are the department's current counts of registered establishments and cardholders? What is the status of public-records requests PUBRECREQ0007157, 0007158 (follow-up sent Nov. 10 after closure), and 0007221 (2027 bill draft; pending as of Nov. 3 reporting)?[15,8]

KEY DATES

Nov. 29, 2026. DEA guidance supply-chain date for timely applicants (not a session date).[2]

Dec. 13, 2026. Prefiling window opens, by WeedPress's calculation under SDCL 2-7-4. The LRC has not published a prefiling date. Dec. 13 is a Sunday; Dec. 14 is the likely first business day (WeedPress inference).[17,18]

Jan. 12, 2027. Session opens, noon CT; State of the State, 1 p.m.

Jan. 26, 2027. Draft requests for unlimited introduction due to the LRC by 5 p.m.

Feb. 3, 2027. Last day to introduce individual bills and resolutions.

Feb. 23, 2027. Crossover Day.

March 8, 2027. Last day for a bill or joint resolution to pass both houses.

March 31, 2027. Reserved for gubernatorial vetoes (Legislative Day 38).

Session dates are from the 2027 calendar (Plan 2027 B, adopted March 11, 2026).[17,18] Jan. 12 is the second Tuesday of January under the state constitution.

This sheet does not certify any lawful supplier and is not legal advice. A business missing from the independently reviewed list may still hold a DEA registration or timely-applicant status that has not been independently documented. QR codes at top right open the 2027 session hub and the establishment table. Sources are on page 2.

SOURCES

1. Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana From Schedule I to Schedule III; Corresponding Change to Permit Requirements, 91 Fed. Reg. 22,714 (Apr. 28, 2026), https://www.federalregister.gov/documents/2026/04/28/2026-08176/schedules-of-controlled-substances-rescheduling-of-food-and-drug-administration-approved-products. The description of what the order covers follows Attorney General Official Opinion 26-06 (see note 5).
2. U.S. Drug Enf't Admin., Diversion Control Div., *Medical Marijuana Timely Applicant Information* (Oct. 30, 2026), https://www.deadiversion.usdoj.gov/drugreg/Timely-Applicant-Information-for-Medical-Marijuana-Applicants.pdf.
3. Email from Emily Murray, Pub. Info. Officer, Drug Enf't Admin., Omaha & St. Louis Field Divs., to WeedPress (Nov. 6, 2026, 4:27 p.m. CST), reported in "DEA Warns South Dakota Cannabis Operators Without Federal Status," WeedPress (Nov. 6, 2026; updated Nov. 13, 2026), https://weedpress.org/2026/11/06/dea-warns-south-dakota-cannabis-operators-without-federal-status-you-should-not-be-operating/.
4. S.D. Codified Laws ch. 34-20G (2026), including §§ 34-20G-55, 34-20G-56, 34-20G-58, and 34-20G-72, https://sdlegislature.gov/Statutes/34-20G. The "registration certificate" language is in § 34-20G-55, https://sdlegislature.gov/Statutes/34-20G-55.
5. S.D. Att'y Gen. Official Op. No. 26-06 (Oct. 6, 2026) (to Sen. John Carley, vice chair, Medical Marijuana Oversight Committee), https://mylrc.sdlegislature.gov/api/Documents/308377.pdf.
6. S.D. Codified Laws §§ 34-20B-11, 34-20B-14(10), 34-20B-14(20), 34-20B-27, and 22-42-6 (2026), https://sdlegislature.gov/Statutes/34-20B-14; https://sdlegislature.gov/Statutes/34-20B-27. See also "South Dakota Cannot Enact Federal Schedule III," WeedPress (Nov. 4, 2026), https://weedpress.org/2026/11/04/south-dakota-cannot-enact-federal-schedule-iii-minnesota-already-moved-cannabis-to-state-schedule-iii-in-2023-here-is-the-2027-path/.
7. Filings with the Office of the Secretary of State, Final Administrative Rules, Department of Health, 53 S.D. Reg. 56 (Oct. 26, 2026) (Article 44:90 amendments effective Nov. 5, 2026), https://mylrc.sdlegislature.gov/api/Documents/Register/308659.pdf.
8. Email from Whitney Brunner, Adm'r, Office of Med. Cannabis, Div. of Licensure & Accreditation, S.D. Dep't of Health (Sept. 21, 2026, 10:52 a.m.), provided by the City of Hot Springs on Nov. 2, 2026, https://weedpress.org/wp-content/uploads/2026/10/hot-springs-doh-medical-cannabis-legislation-email-2026-09-21-redacted.pdf. Reporting: "South Dakota Health Department Preparing 2027 Cannabis Licensing Bill, Email Shows," WeedPress (Nov. 3, 2026), https://weedpress.org/2026/11/03/south-dakota-health-department-2027-cannabis-licensing-bill-email-shows/; "WeedPress Uncovers a 2027 Cannabis Bill South Dakota Won't Show the Public," WeedPress (Nov. 3, 2026), https://weedpress.org/2026/11/03/weedpress-uncovers-2027-cannabis-bill-south-dakota-wont-show-public/ (PUBRECREQ0007221 filed Nov. 2, 2026; pending as of that reporting).
9. Email from Aerial Allison, City Adm'r, City of Hot Springs, to WeedPress (Nov. 3, 2026, 3:16 p.m. CST), quoted in the Nov. 3 article cited in note 8.
10. 2027 South Dakota Cannabis Bill Tracker, WeedPress (updated as of Nov. 22, 2026), https://weedpress.org/cannabis-bill-tracker/. Final 2026 outcomes, including SB 39 and SB 45 (signed March 30, 2026), are from the Legislature's action logs, collected on that page.
11. S.D. Legis. Rsch. Council, *Medical Marijuana Oversight Committee, Interim Committee 2026 Final Report* (posted to the Executive Board record Nov. 9, 2026), https://mylrc.sdlegislature.gov/api/Documents/309198.pdf. Executive Board acceptance on Nov. 10, 2026, and the chair's suggestion, as reported in "Medical Marijuana Oversight Chair Calls for Ending the Committee She Leads After It Made No Recommendations," WeedPress (Nov. 11, 2026), https://weedpress.org/2026/11/11/medical-marijuana-oversight-chair-garcia-calls-for-ending-committee/, and in the bill tracker cited in note 10.
12. H.B. 1160, 101st Leg., Reg. Sess. (S.D. 2026), https://sdlegislature.gov/Session/Bill/27182.
13. S.D. Dep't of Health, *Medical Cannabis Establishments List* (content last updated Nov. 10, 2026), https://doh.sd.gov/programs/medical-cannabis/medical-cannabis-establishments/establishments-list/, as compiled on the WeedPress establishment table cited in note 15.
14. U.S. Drug Enf't Admin., *Medical Marijuana Timely Applicants* (FILE DATE 10-NOV-26; South Dakota: 1 dispensary, 10 manufacturer, 2 distributor), as recorded on the WeedPress establishment table cited in note 15 (rechecked Nov. 10, 2026, 10:45 a.m. CST; SHA-256 60333721babb4fa760aa0aa9f688c09e8e22ada71eea4733ec065be5667b0b87). A Wayback Machine search did not locate a Nov. 10 capture of the DEA file. The live DEA URL, https://www.deadiversion.usdoj.gov/drugreg/med_marijuana/medical_marijuana_timely_applicants.txt, is a changing file; when checked Nov. 23, 2026, it served a later version (FILE DATE 23-NOV-26) that still listed the same 13 South Dakota entries.
15. "Who Can South Dakota Cannabis Businesses Trade With Federally? DEA Status Tracker and State Establishment List," WeedPress (updated Nov. 11, 2026), https://weedpress.org/establishment-status/. The page also records the status of PUBRECREQ0007157 (unresolved portal item as of that update) and PUBRECREQ0007158 (closed; follow-up sent Nov. 10, 2026).
16. Email from Tia Kafka, Mktg. & Outreach Dir., Off. of Commc'n & Mktg., S.D. Dep't of Health, to WeedPress (Nov. 13, 2026, 12:49 p.m. CST), published as an update to the Nov. 6 article cited in note 3.
17. S.D. Legis. Rsch. Council, *102nd South Dakota Legislative Session Calendar 2027* (38 legislative days, Plan 2027 B) (adopted Mar. 11, 2026), https://mylrc.sdlegislature.gov/api/Documents/SessionCalendar/306801.pdf?Year=2026.
18. S.D. Codified Laws § 2-7-4, https://sdlegislature.gov/Statutes/2-7-4; S.D. Const. art. III, § 7, https://sdlegislature.gov/Constitution/3-7.
19. S.D. Admin. R. 44:90:03:15 and 44:90:03:16 (2026), https://sdlegislature.gov/Rules/Administrative/44:90:03:15; https://sdlegislature.gov/Rules/Administrative/44:90:03:16.
20. Collected session reporting: "2027 South Dakota Legislative Session: Start Here," WeedPress (updated Nov. 23, 2026), https://weedpress.org/sd-2027-session/.

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