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July 17, 2020

Honorable Steve Barnett
Secretary of State
500 E. Capitol
Pierre, SD 57501

Re: Attorney General's Statement (Medicaid expansion initiated measure)

Dear Secretary Barnett,

This Office received a proposed initiated measure that the sponsor will seek to place on the November 2022 ballot. Enclosed is a copy of the proposed measure, in final form, that the sponsor submitted. In accordance with SDCL 12-13-25.1, I hereby file the enclosed Attorney General's Statement for this measure.

By copy of this letter, I am providing a copy of the Statement to the sponsor of the measure.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason R. Ravensborg".

Jason R. Ravensborg
ATTORNEY GENERAL

JRR/lde
Enc.

cc/enc. Rick Weiland

RECEIVED
JUL 17 2020
S.D. SEC. OF STATE

Filed this 17th day of
July 2020
Steve Barnett
SECRETARY OF STATE

INITIATED MEASURE

ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure expanding Medicaid eligibility.

Explanation:

Medicaid is a program, funded by the State and the federal government, to provide medical coverage for low-income people who are in certain designated categories. This measure expands Medicaid eligibility in South Dakota. It requires the State to provide Medicaid benefits to any person over age 18 and under 65 whose income is at or below 133% of the federal poverty level and who meets other eligibility requirements in federal law. For people who qualify under this measure, the State may not impose burdens or restrictions that are greater than those imposed on any other group eligible for medical assistance.

The State must obtain federal approval of the Medicaid expansion coverage set forth in this measure. Additionally, the South Dakota Department of Social Services must pass rules to implement this measure.

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BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That chapter 28-6 be amended by adding a NEW SECTION to read:

28-6-1.2 The state shall provide Medicaid benefits to any person over age 18 and under age 65 whose income is 133% of the federal poverty level or less, using the income methodology of the Medicaid statute at 42 U.S.C. §1396a(a)(10)(A)(i)(VIII) and who meets other nonfinancial eligibility requirements of the federal Medicaid statute. The state may not impose on any such person any greater or additional burdens or restrictions on eligibility, enrollment, or benefits than on any other group eligible for medical assistance.

Within 90 days of voter approval of this Act, the state shall submit a state plan amendment and all other necessary documents, and take all additional steps necessary to seek required approvals from the Centers for Medicare and Medicaid Services to include such persons as a coverage group in South Dakota's Medicaid program.

The Department of Social Services shall promulgate rules pursuant to chapter 1-26 to authorize low-income persons as an eligible population for Medicaid services in this state and any other necessary rule as authorized by §28-6-1 to implement this section.

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