

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 17, 2021

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Corey Rajek, followed by the Pledge of Allegiance led by House pages Kirstie Lake and Alexander Otten.

Roll Call: All members present except Rep. Marty who was excused and Reps. Aylward, Bartels, Cwach, Duba, Lana Greenfield, Howard, Phil Jensen, Karr, Mortenson, Olson, Pourier, Rehfeldt, Jamie Smith, St. John, Tidemann, and York who were present remotely.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1035, 1042, and 1051** and finds the same correctly enrolled.

Respectfully submitted,
Spencer R. Gosch, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1241** and returns the same with the recommendation that said bill be amended as follows:

1241A

On page 1, line 7, of the Introduced bill, after "parents" insert " of a minor child"

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1254** and returns the same with the recommendation that said bill be amended as follows:

1254G

On page 1, line 14, of the Introduced bill, delete "ideological," and insert ":

(1) Ideological,"

On page 1, line 15, of the Introduced bill, delete the comma and insert " or "

On page 1, line 15, of the Introduced bill, delete ", or activities" and insert "; or

(2) Race, color, creed, religion, sex, ancestry, disability, or national origin"

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1261** and returns the same with the recommendation that said bill be amended as follows:

1261B

On the previously adopted amendment (1261A), On page 2, line 22, after "check" insert " or the certificate of completion of training required under § 29A-5-119"

On the previously adopted amendment (1261A), On page 3, line 2, delete "the appointment as a guardian or conservator" and insert " July 1, 2021"

1261A

On page 2, line 20, of the Introduced bill, after "check " insert "or a certificate of completion of training required under § 29A-5-119 "

1 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
2 on the consent calendar.

3 Also MR. SPEAKER:

4 The Committee on House Education respectfully reports that it has had under consideration
5 **HB 1283** and returns the same with the recommendation that said bill be amended as follows:

6 1283A

7 On page 1, line 4, of the Introduced bill, delete " \$200,000" and insert " \$1"

8 And that as so amended said bill be referred to the Joint Committee on Appropriations.

9 Respectfully submitted,
10 Sue Peterson, Vice-Chair

11 Also MR. SPEAKER:

12 The Committee on House Judiciary respectfully reports that it has had under consideration
13 **HB 1086, 1233, and 1236** which were deferred to the 41st Legislative Day.

14 Also MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration
16 **HB 1204** and returns the same with the recommendation that said bill do pass, and having been
17 certified as uncontested, be placed on the consent calendar.

18 Respectfully submitted,
19 Jon Hansen, Chair

20 Also MR. SPEAKER:

21 The Committee on House Commerce and Energy respectfully reports that it has had under
22 consideration **HB 1088 and 1091** which were deferred to the 41st Legislative Day.

23 Also MR. SPEAKER:

24 The Committee on House Commerce and Energy respectfully reports that it has had under
25 consideration **HB 1203** and returns the same with the recommendation that said bill be amended
26 as follows:

27 1203C

28 On page 1, line 6, of the Introduced bill, after "authorized" delete "--Promulgation of rules"

29 On page 1, line 9, of the Introduced bill, after "in " insert "legal "

30 On page 1, line 10, of the Introduced bill, after "licensee." delete " The commission shall
31 promulgate rules, pursuant to chapter 1-26, to facilitate a bank carrying on the business of banking
32 with a person described in this section."

33 And that as so amended, said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
 3 consideration **HB 1258** and returns the same with the recommendation that said bill be amended
 4 as follows:

5 1258A

6 On page 1, after line 2, of the Introduced bill, insert "

7 **Section 1.** That § 36-15-2.3 be AMENDED.

8 36-15-2.3. Application for esthetics examination--Information required.

9 Any person desiring to practice esthetics in this state as an esthetician shall apply to the
 10 commission to take the esthetics examination. The application shall:

- 11 (1) Contain the information required by § 36-15-15;
- 12 (2) Contain proof that the applicant is enrolled in or has completed the required hours of
 13 education, as established by rules pursuant to § 36-15-13, or equivalent credit hours in
 14 an approved and licensed cosmetology or esthetics school or in lieu of such education, is
 15 enrolled or has successfully completed a course of apprenticeship in a licensed
 16 cosmetology or esthetics salon as provided for in this chapter; and
- 17 (3) Be accompanied by the fee required in this chapter.

18 "

19 On page 2, line 4, of the Introduced bill, delete "two thousand one hundred fifty " and insert
 20 "fifteen hundred "

21 On page 2, line 6, of the Introduced bill, delete "nine" and insert " six "

22 On page 2, line 8, of the Introduced bill, delete "nine " and insert "four "

23 On page 2, line 10, of the Introduced bill, delete " salon" and insert ", esthetics,"

24 On page 2, line 20, of the Introduced bill, delete " salon " and insert ", esthetics, "

25 On page 2, after line 24, of the Introduced bill, insert "

26 **Section 2.** That § 36-15-50 be AMENDED.

27 36-15-50. Temporary license issued on completion of apprenticeship--Duration of license.

28 Any person who successfully completes the term of apprenticeship pursuant to this chapter
 29 may apply to the commission for a temporary license which will authorize the applicant to perform
 30 all the practices of a regularly licensed cosmetologist, esthetician, or nail technician, as applicable.
 31 The temporary license application shall be accompanied with:

- 32 (1) Evidence satisfactory to the commission that the applicant possesses the qualifications
 33 required pursuant to § 36-15-15;
- 34 (2) Evidence satisfactory to the commission that the apprenticeship period has been
 35 completed;
- 36 (3) The fee for a temporary license as provided in this chapter; and

1 (4) The application and fee for the cosmetologist or nail technician examination, as
2 applicable.

3 A temporary license issued by the commission is valid until the date of the next scheduled
4 examination in cosmetology, esthetics, or nail technology, as applicable. If the holder of a temporary
5 license takes the applicable examination at that time, the commission shall extend the temporary
6 license until the result of the examination is mailed to the person. If a person is not excused from
7 the examination by the commission or fails the examination, the temporary license is invalid and
8 may not be extended or reissued.

9 "

10 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
11 on the consent calendar.

12 Respectfully submitted,
13 Rhonda Milstead, Chair

14 Also Mr. SPEAKER:

15 The Committee on Legislative Procedure respectfully reports that **HB 1011, 1014, 1015,**
16 **1027, 1028, 1071, 1077, and 1078** were delivered to her Excellency, the Governor, for her
17 approval at 9:15 a.m., February 17, 2021.

18 Respectfully submitted,
19 Spencer R. Gosch, Chair

20 **MESSAGES FROM THE SENATE**

21 Mr. SPEAKER:

22 I have the honor to return herewith **HB 1069 and 1079** which have been amended by the
23 Senate and your concurrence in the amendments is respectfully requested.

24 Also Mr. SPEAKER:

25 I have the honor to transmit herewith **SB 100, 111, 123, 124, 152, and 179** which have
26 passed the Senate and your favorable consideration is respectfully requested.

27 Also Mr. SPEAKER:

28 I have the honor to return herewith **HB 1035, 1042, and 1051** which have passed the Senate
29 without change.

30 Also Mr. SPEAKER:

31 I have the honor to inform your honorable body that the Senate has concurred in House
32 amendments to **SB 60**.

1 Also Mr. SPEAKER:

2 I have the honor to return herewith **HCR 6004** in which Senate has concurred.

3 Respectfully,
4 Kay Johnson, Secretary

5 **MOTIONS AND RESOLUTIONS**

6 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:30 p.m.,
7 on Thursday, February 18, 2021, the 24th legislative day.

8 Which motion prevailed.

9 **CONSIDERATION OF REPORTS OF COMMITTEES**

10 Rep. Kent Peterson moved that the report of the Standing Committee on Health and Human
11 Services on **HB 1248** as found on page 290 of the House Journal be adopted.

12 Which motion prevailed and the report was adopted.

13 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 **SB 152:** FOR AN ACT ENTITLED, An Act to authorize counties to issue off-sale liquor licenses.

15 **SB 179:** FOR AN ACT ENTITLED, An Act to authorize members of the Legislature to submit a
16 request for continuing education to a licensing board or commission in this state.

17 Were read the first time and referred to the Committee on Commerce and Energy.

18 **SB 123:** FOR AN ACT ENTITLED, An Act to require a comment period for the attorney general's
19 statement regarding initiated measures and initiated amendments.

20 Was read the first time and referred to the Committee on Local Government.

21 **SB 100:** FOR AN ACT ENTITLED, An Act to continue the prohibition on the seizure of firearms
22 and ammunitions.

23 **SB 111:** FOR AN ACT ENTITLED, An Act to reduce the fee for permits to carry concealed pistols.

24 **SB 124:** FOR AN ACT ENTITLED, An Act to provide protections for the exercise of religious
25 freedom.

26 Were read the first time and referred to the Committee on State Affairs.

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SECOND READING OF CONSENT CALENDAR ITEMS

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SB 92: FOR AN ACT ENTITLED, An Act to require that certain proposed rules include a housing cost impact statement.

3

4

SB 101: FOR AN ACT ENTITLED, An Act to revise provisions regarding warranty agreements with certain repair facilities.

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SB 136: FOR AN ACT ENTITLED, An Act to change the criteria for a petition to vacate a highway.

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SCR 604: A CONCURRENT RESOLUTION, Supporting trade negotiations to remove barriers to country of origin labelling.

9

10

Were read the second time.

11

The question being "Shall **SB 92, 101, and 136** pass as amended, and **SCR 604** be concurred in?"

12

13

And the roll being called:

14

Yeas 68, Nays 0, Excused 2, Absent 0

15

Yeas:

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Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

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Excused:

24

Phil Jensen and Marty

25

So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed and the titles were agreed to.

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27

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

28

HB 1140: FOR AN ACT ENTITLED, An Act to restrict the entry of conservation officers onto certain private land without permission.

29

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Having had its second reading was up for consideration and final passage.

31

The question being "Shall **HB 1140** pass?"

32

And the roll being called:

33

Yeas 41, Nays 28, Excused 1, Absent 0

34

Yeas:

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Aylward, Beal, Blare, Chaffee, Cwach, Davis, Dennert, Derby, Drury, Duba, Finck, Goodwin, Gross, Hansen, Haugaard, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Lesmeister, May, Mortenson, Mulally, Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reimer, Jamie Smith, Soye, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

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1 Nays:
2 Anderson, Bartels, Barthel, Bordeaux, Chase, Deutsch, Fitzgerald, Lana Greenfield, Healy,
3 Howard, Phil Jensen, Keintz, Mills, Milstead, Miskimins, Olson, Ernie Otten, Pourier, Reed, Rehfeldt,
4 Schneider, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

5 Excused:
6 Marty

7 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
8 declared the bill passed and the title was agreed to.

9 **HB 1147:** FOR AN ACT ENTITLED, An Act to revise the definition of bona fide practitioner-
10 patient relationship in relation to medical cannabis.

11 Having had its second reading was up for consideration and final passage.

12 The question being "Shall **HB 1147** pass?"

13 And the roll being called:

14 Yeas 30, Nays 38, Excused 2, Absent 0

15 Yeas:
16 Aylward, Bordeaux, Chaffee, Cwach, Dennert, Derby, Drury, Duba, Goodwin, Gross, Hansen,
17 Healy, Jamison, Phil Jensen, Keintz, Lesmeister, May, Mortenson, Mulally, Odenbach, Olson, Ernie
18 Otten, Overweg, Perry, Pischke, Pourier, Jamie Smith, Soye, St. John, and Thomason

19 Nays:
20 Anderson, Bartels, Barthel, Beal, Blare, Chase, Davis, Deutsch, Finck, Fitzgerald, Lana
21 Greenfield, Haugaard, Hoffman, Howard, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Mills,
22 Milstead, Miskimins, Kent Peterson, Randolph, Reed, Rehfeldt, Reimer, Schneider, Stevens,
23 Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

24 Excused:
25 Marty and Sue Peterson

26 So the bill not having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill lost.

28 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

29 **SB 81:** FOR AN ACT ENTITLED, An Act to authorize certain flags and flagpoles to be located
30 on residential property regardless of any private covenants, restrictions, bylaws, rules, or
31 requirements.

32 Having had its second reading was up for consideration and final passage.

33 The question being "Shall **SB 81** pass?"

34 And the roll being called:

35 Yeas 41, Nays 27, Excused 2, Absent 0

1 Yeas:
2 Anderson, Barthel, Beal, Blare, Chaffee, Dennert, Deutsch, Drury, Finck, Fitzgerald, Goodwin,
3 Lana Greenfield, Hansen, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,
4 Karr, May, Miskimins, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Reimer,
5 Schneider, Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram, Wiese, Wink, York, and
6 Speaker Gosch

7 Nays:
8 Aylward, Bartels, Bordeaux, Chase, Cwach, Davis, Derby, Duba, Gross, Haugaard, Healy,
9 Keintz, Koth, Ladner, Lesmeister, Mills, Milstead, Mortenson, Mulally, Odenbach, Pourier, Randolph,
10 Reed, Rehfeldt, Jamie Smith, Tidemann, and Willadsen

11 Excused:
12 Marty and Sue Peterson

13 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
14 declared the bill passed and the title was agreed to.

15 **SIGNING OF BILLS**

16 The Speaker publicly read the title to

17 **HB 1035:** FOR AN ACT ENTITLED, An Act to remove the locking seal requirement for the
18 transportation of big game animals.

19 **HB 1042:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding riparian buffer
20 strips

21 **HB 1051:** FOR AN ACT ENTITLED, An Act to maintain the life of any child born alive.

22 **SB 53:** FOR AN ACT ENTITLED, An Act to revise certification and renewal fees for water supply
23 and treatment system operators.

24 And signed the same in the presence of the House.

25 Rep. Gosch moved that House do now recess until after the Committee on State Affairs
26 concludes its business.

27 Which motion prevailed and at 3:36 p.m., the House recessed.

28 **RECESS**

29 The House reconvened at 6:49 p.m., the Speaker presiding.

1 (b) Landlord and tenant rights;

2 (c) School policy;

3 (d) Correctional health;

4 (e) Family law; and

5 (f) Contract law;

6 (7) 2020 Constitutional Amendment A passed by a vote of the people on November 3, 2020,
 7 receiving fifty-four percent of the vote. South Dakota became the first state to adopt recreational
 8 and medicinal marijuana in the same election;

9 (8) The constitutionality of Constitutional Amendment A is currently being challenged in two
 10 lawsuits: In the matter of election contest as to Amendment A, Sixth Circuit Case No. 32CIV20-186,
 11 and Sheriff Kevin Thom, in his official capacity as Pennington County Sheriff and Colonel Rick Miller,
 12 in his official capacity as Superintendent of the South Dakota Highway Patrol v. Steve Barnett, in
 13 his official capacity as South Dakota Secretary of State, Sixth Circuit Case No. 32CIV20-187. On
 14 February 8, 2021, the circuit court issued its decisions in these cases, and in the latter case, held
 15 that Amendment A was unconstitutional. These decisions, however, are subject to appeal and final,
 16 nonappealable decisions are not expected during the 96th Legislative Session;

17 (9) The implementation, administration, and regulation of a medical marijuana program would
 18 be significantly impacted by the final outcome of the Amendment A litigation, and establishing a
 19 medical marijuana program without certainty as to the legality of adult use marijuana would waste
 20 limited taxpayers' resources;

21 (10) A state of emergency was declared on March 13, 2020, and continues to exist in every
 22 county of this state. The Department of Health, which the Measure charges with regulating medical
 23 marijuana, has been preparing, planning, researching, managing, communicating, and using every
 24 available resource at its disposal to fight the unprecedented, global pandemic of the novel
 25 coronavirus, which causes the severe respiratory disease, COVID-19, since January 2020, and has
 26 been developing, launching, tracking, and administering the state's vaccine distribution plan
 27 continuously since the Measure passed;

28 (11) The Measure requires the Department of Health to implement, administer, and regulate
 29 a new program and industry less than eight months from when the Measure passed. The time frame
 30 is insufficient to successfully launch a reliable, stable, and prudent medical marijuana program;

31 (12) The Measure conflicts with federal law by legalizing a substance that remains illegal under
 32 federal law, which adds further complexity to implementation;

33 (13) The Measure fails to adequately consider the complexities and detail needed to
 34 successfully create and operate a medical marijuana program;

35 (14) Due to the pending litigation, the Department of Health's continued efforts against COVID-
 36 19, and the complexity of marijuana's status under federal law, the State needs more time to
 37 establish a medical marijuana program with integrity and prudence than its current effective date
 38 of July 1, 2021; and

39 (15) Therefore, a delay of the implementation of the Measure is appropriate and necessary.

40 **Section 2.** Notwithstanding the provisions of § 2-1-12, §§ 34-20G-1 to 34-20G-95, inclusive,
 41 are effective July 1, 2022.

42 **Section 3.** That § 34-20G-29 be AMENDED.

1 34-20G-29. [Effective July 1, 2021] Information required for issuance of registry
 2 identification cards--Fee.

3 No later than ~~November 18, 2021~~ November 21, 2022, the department shall issue registry
 4 identification cards to qualifying patients who submit the following, in accordance with rules
 5 promulgated by the department:

6 (1) A written certification issued by a practitioner within ninety days immediately preceding
 7 the date of an application;

8 (2) The application or renewal fee;

9 (3) The name, address, and date of birth of the qualifying patient, except that if the applicant
 10 is homeless, no address is required;

11 (4) The name, address, and telephone number of the qualifying patient's practitioner;

12 (5) The name, address, and date of birth of the designated caregiver, or designated caregivers,
 13 chosen by the qualifying patient;

14 (6) If more than one designated caregiver is designated at any given time, documentation
 15 demonstrating that a greater number of designated caregivers are needed due to the patient's age
 16 or medical condition;

17 (7) The name of no more than two dispensaries that the qualifying patient designates, if any;
 18 and

19 (8) If the qualifying patient designates a designated caregiver, a designation as to whether
 20 the qualifying patient or designated caregiver will be allowed under state law to possess and cultivate
 21 cannabis plants for the qualifying patient's medical use.

22 **Section 4.** That § 34-20G-45 be AMENDED.

23 34-20G-45. [Effective July 1, 2021] Secure phone or web-based verification system.

24 Within one hundred twenty days of ~~July 1, 2021~~ July 1, 2022, the department shall establish
 25 a secure phone or web-based verification system. The verification system shall allow law
 26 enforcement personnel and medical cannabis establishments to enter a registry identification
 27 number and determine whether the number corresponds with a current, valid registry identification
 28 card. The system may disclose only:

29 (1) Whether the identification card is valid;

30 (2) The name of the cardholder;

31 (3) Whether the cardholder is a qualifying patient or a designated caregiver;

32 (4) Whether the cardholder is permitted to cultivate cannabis plants;

33 (5) The registry identification number of any affiliated registered qualifying patient; and

34 (6) The registry identification of the qualifying patient's dispensary or dispensaries, if any.

35 **Section 5.** That § 34-20G-72 be AMENDED.

1 34-20G-72. [Effective July 1, 2021] Promulgation of rules--Violation of required or prohibited
2 action as misdemeanor.

3 Not later than ~~October 29, 2021~~ October 31, 2022, the department shall promulgate rules
4 pursuant to chapter 1-26:

5 (1) Governing the manner in which the department shall consider petitions from the public to
6 add a debilitating medical condition or treatment to the list of debilitating medical conditions as
7 defined by this chapter, including public notice of and an opportunity to comment in public hearings
8 on the petitions;

9 (2) Establishing the form and content of registration and renewal applications submitted under
10 this chapter;

11 (3) Establishing a system to numerically score competing medical cannabis establishment
12 applicants, in cases where more applicants apply than are allowed by the local government, that
13 includes analysis of:

14 (a) The preference of the local government;

15 (b) In the case of dispensaries, the suitability of the proposed location and its accessibility for
16 patients;

17 (c) The character, veracity, background, qualifications, and relevant experience of principal
18 officers and board members; and

19 (d) The business plan proposed by the applicant, that in the case of a cultivation facility or
20 dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure
21 safety and security of patrons and the community, procedures to be used to prevent diversion, and
22 any plan for making cannabis available to low-income registered qualifying patients;

23 (4) Governing the manner in which the department shall consider applications for and renewals
24 of registry identification cards, that may include creating a standardized written certification form;

25 (5) Governing medical cannabis establishments to ensure the health and safety of qualifying
26 patients and prevent diversion and theft without imposing an undue burden or compromising the
27 confidentiality of a cardholder, including:

28 (a) Oversight requirements;

29 (b) Record-keeping requirements;

30 (c) Security requirements, including lighting, physical security, and alarm requirements;

31 (d) Health and safety regulations, including restrictions on the use of pesticides that are
32 injurious to human health;

33 (e) Standards for the manufacture of cannabis products and both the indoor and outdoor
34 cultivation of cannabis by a cultivation facility;

35 (f) Requirements for the transportation and storage of cannabis by a medical cannabis
36 establishment;

37 (g) Employment and training requirements, including requiring that each medical cannabis
38 establishment create an identification badge for each agent;

39 (h) Standards for the safe manufacture of cannabis products, including extracts and
40 concentrates;

1 (i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the
 2 restrictions may not prevent appropriate signs on the property of a dispensary, listings in business
 3 directories including phone books, listings in marijuana-related or medical publications, or the
 4 sponsorship of health or not-for-profit charity or advocacy events;

5 (j) Requirements and procedures for the safe and accurate packaging and labeling of medical
 6 cannabis; and

7 (k) Certification standards for testing facilities, including requirements for equipment and
 8 qualifications for personnel;

9 (6) Establishing procedures for suspending or terminating the registration certificates or
 10 registry identification cards of cardholders and medical cannabis establishments that commit
 11 multiple or serious violations of this chapter;

12 (7) Establishing labeling requirements for cannabis and cannabis products, including requiring
 13 cannabis product labels to include the following:

14 (a) The length of time it typically takes for a product to take effect;

15 (b) Disclosing ingredients and possible allergens;

16 (c) A nutritional fact panel; and

17 (d) Requiring that edible cannabis products be clearly identifiable, when practicable, with a
 18 standard symbol indicating that it contains cannabis;

19 (8) Establishing procedures for the registration of nonresident cardholders and the cardholder's
 20 designation of no more than two dispensaries, which shall require the submission of:

21 (a) A practitioner's statement confirming that the patient has a debilitating medical condition;
 22 and

23 (b) Documentation demonstrating that the nonresident cardholder is allowed to possess
 24 cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;

25 (9) Establishing the amount of cannabis products, including the amount of concentrated
 26 cannabis, each cardholder and nonresident cardholder may possess; and

27 (10) Establishing reasonable application and renewal fees for registry identification cards and
 28 registration certificates, according to the following:

29 (a) Application fees for medical cannabis establishments may not exceed five thousand dollars,
 30 with this upper limit adjusted annually for inflation;

31 (b) The total fees collected shall generate revenues sufficient to offset all expenses of
 32 implementing and administering this chapter;

33 (c) A sliding scale of patient application and renewal fees based upon a qualifying patient's
 34 household income;

35 (d) The fees charged to qualifying patients, nonresident cardholders, and caregivers shall be
 36 no greater than the costs of processing the application and issuing a registry identification card or
 37 registration; and

38 (e) The department may accept donations from private sources to reduce application and
 39 renewal fees.

40 A violation of a required or prohibited action under any rule authorized by this section is a
 41 Class 2 misdemeanor.

1 **Section 6.** That § 34-20G-95 be AMENDED.

2 34-20G-95. [Effective July 1, 2021] Administration of medical cannabis to students.

3 The Department of Education and the department shall establish policy to allow students who
 4 are medical cannabis cardholders to have their medicine administered in school in accordance with
 5 their physician's recommendation. ~~This policy shall be implemented the first day of the new school~~
 6 ~~year following passage of this chapter.~~ The departments shall implement substantively identical
 7 provisions to Colorado Revised Statute 22-1-119.3 as of January 1, 2019.

8 **Section 7.** That a NEW SECTION be added:

9 34-20G-96. Interim marijuana committee membership.

10 An interim marijuana committee shall be appointed. The speaker may appoint five members
 11 of the House of Representatives. The president pro tempore may appoint five members of the
 12 Senate. The attorney general may appoint one state's attorney and one attorney from the Office of
 13 the Attorney General. The Governor may appoint one representative from each of the Departments
 14 of Health, Revenue, and Public Safety. The Governor may also appoint one representative of law
 15 enforcement, one health care practitioner with knowledge of medical marijuana issues, one nurse,
 16 two representatives from the medical marijuana cultivators or manufacturers or retail industry, one
 17 patient with a debilitating condition who intends to use medical marijuana, or one representative of
 18 local governments. Any consultant hired by the state may serve in an advisory, non-voting capacity.
 19 If there is a vacancy on the committee, the vacancy may be filled in the same manner as the original
 20 appointment under this Act. The committee shall be under the supervision of the Executive Board
 21 of the Legislative Research Council and staffed and funded as an interim legislative committee.

22 **Section 8.** That a NEW SECTION be added:

23 34-20G-97. Interim marijuana committee duties.

24 The interim marijuana committee created pursuant to § 34-20G-96 may:

25 (1) Research best practices from other medical marijuana programs;

26 (2) Determine details of a licensing system that specifies privileges and authorized activities,
 27 and the implementation thereof;

28 (3) Evaluate policies that reduce unlawful access, availability, and use by youths and prevent
 29 diversion to illicit markets;

30 (4) Explore policy measures that balance adequate regulation that ensure safe products and
 31 support the development of a fair market;

32 (5) Study legal consequences and litigation of policy decisions challenged in other states;

33 (6) Investigate criminal justice and public safety concerns of establishing a marijuana market
 34 while guarding against drugged driving or performing tasks under impairment;

35 (7) Advise on regulations for cultivation of marijuana without contaminants, pesticides, or
 36 heavy metals, for manufacturing of marijuana products without hazardous substances, and for sales
 37 of marijuana and marijuana products only to verified patients in appropriate amounts;

38 (8) Seek input on appropriate local controls that allow sufficient access;

39 (9) Examine appropriate rules or restrictions on the structure, ownership, management, fiscal
 40 stability, and practices of marijuana business entities;

41 (10) Determine market demand, production management, product tracking, and necessary
 42 fees to support the medical marijuana program;

1 (11) Review testing advisability and capability, forms of product, and how each product should
2 be approved for human consumption;

3 (12) Determine appropriate taxing scheme;

4 (13) Provide an opportunity for public input of policy decisions; and

5 (14) Determine implementation benchmarks.

6 The interim marijuana committee shall report to the Legislature by January 15, 2022. The
7 interim marijuana committee may present any recommended legislation.

8 **Section 9. This Act** is effective June 30, 2021.

9 "

10 And that as so amended, said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on House State Affairs respectfully reports that it has had under consideration
13 **HB 1110** and returns the same with the recommendation that said bill be amended as follows:

14 1110A

15 On page 1, line 13, of the Introduced bill, after "a " delete "genetic "

16 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
17 on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on House State Affairs respectfully reports that it has had under consideration
20 **HB 1124** and returns the same with the recommendation that said bill be amended as follows:

21 1124B

22 On page 1, line 15, of the Introduced bill, after "printed" delete " no earlier than sixty days
23 prior to a primary or general election"

24 On page 1, line 17, of the Introduced bill, after "election. " insert "However, if there is a
25 challenge pursuant to § 12-1-13 or 12-1-16, official ballots may not be printed until the challenge
26 has been resolved or until sixty days prior to the primary or general election, whichever occurs first.
27 "

28 And that as so amended, said bill do pass.

29 Also MR. SPEAKER:

30 The Committee on House State Affairs respectfully reports that it has had under consideration
31 **HB 1130** and returns the same with the recommendation that said bill be amended as follows:

32 1130B

33 On page 2, line 17, of the Introduced bill, after "Mifepristone" insert ", or another drug
34 approved by the United States Food and Drug Administration for the same use,"

35 On page 4, line 22, of the Introduced bill, after "Mifepristone, " insert "or another drug
36 approved by the United States Food and Drug Administration for the same use, "

1 On page 4, line 25, of the Introduced bill, delete "Mifepristone" and insert " the first drug"

2 On page 4, line 30, of the Introduced bill, after "accessing " insert "www. abortionpillreversal. com"

3 On page 4, after line 29, of the Introduced bill, insert "

4 **Section 12.** That § 34-23A-10.3 be AMENDED.

5 34-23A-10.3. Publication of educational materials.

6 The health department shall publish, in culturally sensitive languages, ~~within one hundred~~
7 ~~eighty days after July 1, 2005,~~ the following printed materials, in such a way as to ensure that the
8 information is easily comprehensible:

9 (1) Materials designed to inform the pregnant woman of all the disclosures enumerated in
10 § 34-23A-10.1;

11 (2) Materials designed to inform the pregnant woman of public and private agencies and
12 services available to assist a pregnant woman through pregnancy, upon childbirth and
13 while the child is dependent, including adoption agencies, which shall include a list of the
14 agencies available and a description of the services they offer;

15 (3) Materials designed to inform the pregnant woman of the probable anatomical and
16 physiological characteristics of the unborn child at two-week gestational increments from
17 the time when a pregnant woman can be known to be pregnant to full term, including
18 any relevant information on the possibility of the unborn child's survival and pictures or
19 drawings representing the development of unborn children at two-week gestational
20 increments. Such pictures or drawings shall contain the dimensions of the fetus and shall
21 be realistic and appropriate for the stage of pregnancy depicted. The materials shall be
22 objective, nonjudgmental, and designed to convey only accurate scientific information
23 about the unborn child at the various gestational ages; and

24 (4) Materials designed to inform the pregnant woman that: "If someone is sexually abusing
25 you or causing you to exchange sex for something of value, and you want help, call 911,
26 text or call the number provided on this notice."

27 The materials shall be printed in a typeface large enough to be clearly legible and shall be
28 available at no cost from the Department of Health upon request and in appropriate number to any
29 person, facility, or hospital.

30 "

31 And that as so amended, said bill do pass.

32 Respectfully submitted,
33 Kent Peterson, Chair

34 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 6:52 p.m.
35 the House adjourned.

36 Patricia Miller, Chief Clerk

