



## 2021 South Dakota Legislature

# House Bill 1061

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Fitzgerald**

1 **An Act to prohibit smoking and consuming marijuana and its derivatives in a motor**  
 2 **vehicle and create a penalty therefor.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-42-24. Driver--Use of marijuana--Motor in a motor vehicle--**  
 6 **Misdemeanor.**

7 While a motor vehicle is located upon a public highway or the right-of-way of a  
 8 public highway, it is a Class 2 misdemeanor if any person operating or in actual physical  
 9 control of a motor vehicle smokes or consumes marijuana or marijuana concentrate while  
 10 the vehicle is being operated. For purposes of this section and § 22-42-25, marijuana  
 11 concentrate is the resin extracted from any part of a marijuana plant and every compound,  
 12 manufacture, salt, derivative, mixture, or preparation from such resin.

13 **Section 2.** That a NEW SECTION be added:

14 **22-42-25. Passenger--Use of marijuana--Motor vehicle--Misdemeanor.**

15 While a motor vehicle is located upon a public highway or the right-of-way of a  
 16 public highway, it is a Class 2 misdemeanor if any person occupying a motor vehicle  
 17 smokes marijuana or marijuana concentrate while the vehicle is being operated.