

Committee: Senate Health and Human Services

Wednesday, March 03, 2021 10:00 AM

Roll Call

Present: Sen. Curd, Sen. Duvall, Sen. Foster, Sen. Rusch, Sen. V. J. Smith,
Sen. Tobin, and Sen. Steinhauer

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Steinhauer

MOTION: TO APPROVE THE MINUTES OF

Moved by: Duvall
Second by: V. J. Smith
Action: Prevailed by voice vote

MOTION: TO INVOKE RULE 7-1.5. CONSIDERATION OF MATTERS NOT POSTED.

Moved by: Rusch
Second by: Tobin
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Duvall, Foster, Rusch, V. J. Smith, Tobin, and Steinhauer

Excused: Curd

HB 1100 : modify the medical marijuana program and to create an interim committee to recommend implementation of the medical marijuana program.

Presented by: Katie Hruska, Deputy General Counsel, Governor's Office

Proponents: Mike Houdyshell, Department of Revenue
Brett Koenecke, South Dakota Bankers Association, Pierre
Kim Malsam-Rysdon, Department of Health
Tim Rave, South Dakota Association of Healthcare Organizations
Yvonne Taylor, South Dakota Municipal League
Dean Krogman, State Medical Association SD, Sioux Falls
Deb Fischer-Clemens, Avera Health, Sioux Falls
Craig Price, Department of Public Safety
Tiffany Sanderson, Department of Education

Opponents: Seth Pearman, Flandreau Sioux Tribe, Flandreau (Handout(s) 1,2)
Emmett Reistroffer, Johnson Properties L.L.C., Sioux Falls
Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City
Tim Hughes, self, Summerset
Albert Kenneth Chiancone, Jr. MA, self
Melissa Mentele, New Approach SD, self, Emery

Others: Dick Tieszen, Sheriff's Association

MOTION: AMEND HB 1100

1100L

On page 3, line 24, of the House bill, delete " 34-20G-95" and insert " 34-20G-17"

On page 3, line 24, of the House bill, after "inclusive," insert " §§ 34-20G-19 to 34-20G-50, inclusive, and §§ 34-20G-52 to 34-20G-95, inclusive,"

On page 5, after line 5, of the House bill, insert "

Section 5. That § 34-20G-51 be AMENDED.

34-20G-51. [Effective July 1, 2021] Medical purpose defense to prosecution involving cannabis.

Except as provided in § 34-20G-18 and this section, a person may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis, and such defense is presumed valid where the evidence shows that:

- (1) A practitioner has stated that, in the practitioner's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the patient has a debilitating medical condition and the potential benefits of using cannabis for medical purposes would likely outweigh the health risks for the person;
- (2) The person was in possession of no more than ~~three ounces of cannabis, the amount of cannabis products allowed by department rules, six cannabis plants minimum or as prescribed by a physician, and the cannabis produced by those plants;~~

(a) Three ounces of cannabis;

(b) A quantity of cannabis products containing no more than twenty-four grams of cannabis concentrate or a greater amount if allowed by department rules;

(c) Six cannabis plants kept in or on the grounds of a single residence at one time and any cannabis produced by those six plants provided that the cannabis is located at the same property where the plants were cultivated; or

(d) Any combination of subsections (a), (b), or (c);

- (3) The person was engaged in the acquisition, possession, use, manufacture, cultivation, or transportation of cannabis, paraphernalia, or both, relating to the administration of cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated with the person's debilitating medical condition; and
- (4) Any cultivation of cannabis and storage of more than three ounces of cannabis occurred in a secure location that only the person asserting the defense could access.

"

Moved by: Foster

Second by: Curd

Action: Prevailed by roll call vote (4-3-0-0)

Voting Yes: Curd, Foster, Rusch, and Tobin

Voting No: Duvall, V. J. Smith, and Steinhauer

MOTION: DO PASS HB 1100 AS AMENDED

Moved by: Rusch

Second by: Tobin

Action: Prevailed by roll call vote (6-1-0-0)

Voting Yes: Duvall, Foster, Rusch, V. J. Smith, Tobin, and Steinhauer

Voting No: Curd

HB 1139 : require that assisted living facilities create and post visitation policies.

Presented by: Senator Erin Tobin

Proponents: Representative Phil Jensen (Handout(s) 3)
Janet Jensen, self, Rapid City, South Dakota
Treese Monford DeBoer, self, Hot Springs, South Dakota
Kathy Rhoden, self, Newell, South Dakota

MOTION: AMEND HB 1139

1139I

On page 2, line 25, of the House bill, after "exists, " insert "a link to "

Moved by: Duvall
Second by: V. J. Smith
Action: Prevailed by voice vote

MOTION: DO PASS HB 1139 AS AMENDED

Moved by: Curd
Second by: Duvall
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Curd, Duvall, Foster, Rusch, V. J. Smith, Tobin, and Steinhauer

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1139 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SCR 608 : To raise public awareness and support the National Association for Public Health Statistics and Information Systems.

Presented by: Senator Julie Frye-Mueller

MOTION: DO PASS SCR 608

Moved by: Tobin
Second by: Curd
Action: Failed by roll call vote (3-4-0-0)

Voting Yes: Curd, Foster, and Tobin

Voting No: Duvall, Rusch, V. J. Smith, and Steinhauer

MOTION: DEFER SCR 608 TO THE 41ST LEGISLATIVE DAY

Moved by: Duvall
Second by: V. J. Smith
Action: Prevailed by roll call vote (4-3-0-0)

Voting Yes: Duvall, Rusch, V. J. Smith, and Steinhauer

Voting No: Curd, Foster, and Tobin

HB 1154 : prohibit employment contracts restricting competitive health care practices.

Presented by: Representative Fred Deutsch

Proponents: Dean Krogman, State Medical Association SD, Sioux Falls
Dr. Connie Taylor, Self
Representative Taylor Rehfeldt
Lisa Nolen, Americans for Prosperity, Arlington
Sam Nelson, South Dakota Association of Nurse Anesthetists
Senator Blake Curd

Opponents: Erika Peterson, Self, Pukwana
Dr. Dave Kapaska, Self
Ashley Kingdon-Reese, Self, Huron
Tim Dougherty, Avera Health, Sioux Falls
Matt McCauley, Sanford Health
Mitchell Rave, Sanford Health, Sioux Falls

Others: Tim Rave, South Dakota Association of Healthcare Organizations

MOTION: DO PASS HB 1154

Moved by: Curd

Second by: Tobin

Action: Prevailed by roll call vote (5-2-0-0)

Voting Yes: Curd, Foster, Rusch, Tobin, and Steinhauer

Voting No: Duvall and V. J. Smith

HB 1131 : authorize primary care agreements.

Presented by: Senator Erin Tobin

Proponents: Representative Tamara St. John
Dr. Dan Heinemann, SD Academy of Family Physicians
Don Hagggar, Americans for Prosperity
Dean Krogman, State Medical Association SD, Sioux Falls

MOTION: DO PASS HB 1131

Moved by: Tobin

Second by: V. J. Smith

Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Curd, Duvall, Foster, Rusch, V. J. Smith, Tobin, and Steinhauer

HCR 6015 : To encourage the Executive Board of the Legislature to create an interim legislative study on mental health education in this state.

Presented by: Representative Tamara St. John

Proponents: Wade Pogany, Associated School Boards of South Dakota

MOTION: THAT HCR 6015 BE CONCURRED IN

Moved by: Rusch
Second by: Tobin
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Curd, Duvall, Foster, Rusch, V. J. Smith, Tobin, and Steinhauer

MOTION: ADJOURN

Moved by: Rusch
Second by: Duvall
Action: Prevailed by voice vote

Sharon Welch, Committee Secretary

/s/ WAYNE H. STEINHAUER
Wayne H. Steinhauer, Chair