

2022 South Dakota Legislature

Draft 175

Requested by: at the request of the Marijuana Interim Study Committee

1 **An Act to revise provisions regarding the allowable use of cannabis by a cardholder.**

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

3 **Section 1. That § 34-20G-2 be AMENDED:**

4 **34-20G-2.** A cardholder is not subject to arrest, prosecution, or penalty of any
5 kind, or denial of any right or privilege, including any civil penalty or disciplinary action by
6 a court or occupational or professional licensing board or bureau, for the medical use of
7 cannabis pursuant to this chapter.

8 ~~for:~~

9 ~~(1) The medical use of cannabis in accordance with this chapter, if the cardholder~~
10 ~~does not possess more than the allowable amount of cannabis, and if any cannabis plant~~
11 ~~is either cultivated in an enclosed, locked facility or is being transported;~~

12 ~~(2) Reimbursement by a registered qualifying patient to the patient's registered~~
13 ~~designated caregiver for direct costs incurred by the registered designated caregiver for~~
14 ~~assisting with the registered qualifying patient's medical use of cannabis;~~

15 ~~(3) Transferring the cannabis to a testing facility;~~

16 ~~(4) Compensating a dispensary or a testing facility for goods or services provided;~~

17 ~~(5) Selling, transferring, or delivering cannabis seeds produced by the cardholder~~
18 ~~to a cultivation facility or dispensary; or~~

19 ~~(6) Offering or providing cannabis to a cardholder for a registered qualifying~~
20 ~~patient's medical use, to a nonresident cardholder, or to a dispensary if nothing of value~~
21 ~~is transferred in return and the person giving the cannabis does not knowingly cause the~~
22 ~~recipient to possess more than the allowable amount of cannabis.~~