

2022 South Dakota Legislature

Draft 176

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

1 **An Act to repeal the rebuttable presumption in favor of the qualifying patient or**
2 **designated caregiver engaged in the medical use of cannabis.**

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

4 **Section 1. That § 34-20G-4 be REPEALED:**

5 ~~There is a presumption that a qualifying patient or designated caregiver is engaged~~
6 ~~in the medical use of cannabis in accordance with this chapter if the cardholder is in~~
7 ~~possession of a registry identification card and an amount of cannabis that does not exceed~~
8 ~~the allowable amount of cannabis. The presumption may be rebutted by evidence that~~
9 ~~conduct related to cannabis was not for the purpose of treating or alleviating a qualifying~~
10 ~~patient's debilitating medical condition or symptom associated with the qualifying patient's~~
11 ~~debilitating medical condition under this chapter.~~