

2022 South Dakota Legislature

Draft 155

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

1 **An Act to revise provisions related to custody and visitation rights by medical**
2 **cannabis cardholders.**

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

4 **Section 1. That § 34-20G-21 be AMENDED:**

5 **34-20G-21.** No person may be denied custody of, ~~or~~ visitation rights with, or
6 parenting time with a minor solely ~~for because the person's status as person is~~ a
7 cardholder, ~~and there~~. There is no presumption of neglect or child endangerment for
8 conduct allowed under this chapter, unless the person's behavior creates an unreasonable
9 danger to the safety of the minor ~~as established by clear and convincing evidence~~. Nothing
10 in this chapter supersedes or otherwise affects custody decisions, visitation rights, or
11 parenting time based upon the best interests of the child.