



2022 South Dakota Legislature

Senate Bill 16

Introduced by: **Senators** Duhamel, Breitling, Rohl, Rusch, V. J. Smith, and Stalzer and **Representatives** Milstead, Bartels, Chaffee, Derby, Deutsch, Duba, Finck, Fitzgerald, Goodwin, Perry, Rehfeldt, Wiese, and Willadsen at the request of the Marijuana Interim Study Committee

1 **An Act to repeal provisions related to the prosecution, search, seizure, penalty, or**
 2 **discipline of medical cannabis establishments for certain conduct.**

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

4 **Section 1. That § 34-20G-8 be REPEALED:**

5 ~~No dispensary or a dispensary agent is subject to prosecution, search, or~~
 6 ~~inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty in any~~
 7 ~~manner; or may be denied any right or privilege, including civil penalty or disciplinary~~
 8 ~~action by a court or business licensing board or entity, for acting in accordance with this~~
 9 ~~chapter to:~~

10 (1) ~~Possess, transport, or store cannabis or cannabis products;~~

11 (2) ~~Deliver, transfer, or transport cannabis to a testing facility and compensate a~~
 12 ~~testing facility for services provided;~~

13 (3) ~~Accept cannabis offered by a cardholder or nonresident cardholder if nothing of~~
 14 ~~value is exchanged in return;~~

15 (4) ~~Purchase or otherwise acquire cannabis from a cultivation facility or dispensary,~~
 16 ~~and cannabis products from cannabis product manufacturing facility or dispensary;~~
 17 ~~and~~

18 (5) ~~Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis~~
 19 ~~paraphernalia, or related supplies or educational materials to a cardholder,~~
 20 ~~nonresident cardholder, or dispensary.~~

21 **Section 2. That § 34-20G-9 be REPEALED:**

22 ~~No cultivation facility or a cultivation facility agent is subject to prosecution, search,~~
 23 ~~or inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty of~~
 24 ~~any kind, or may be denied any right or privilege, including civil penalty or disciplinary~~

1 ~~action by a court or business licensing board or entity, for acting in accordance with this~~
2 ~~chapter to:~~

3 ~~(1) Possess, plant, propagate, cultivate, grow, harvest, produce, process,~~
4 ~~manufacture, compound, convert, prepare, pack, repack, or store cannabis;~~

5 ~~(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a~~
6 ~~testing facility for services provided;~~

7 ~~(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of~~
8 ~~value is exchanged in return;~~

9 ~~(4) Purchase or otherwise acquire cannabis from a cultivation facility;~~

10 ~~(5) Purchase cannabis seeds from a cardholder, nonresident cardholder, or the~~
11 ~~equivalent of a medical cannabis establishment that is registered in another~~
12 ~~jurisdiction; or~~

13 ~~(6) Deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or~~
14 ~~related supplies or educational materials to a cultivation facility and dispensary.~~

15 **Section 3. That § 34-20G-10 be REPEALED:**

16 ~~No cannabis product manufacturing facility or a cannabis product manufacturing~~
17 ~~facility agent is subject to prosecution, search, or inspection, except by the department~~
18 ~~pursuant to § 34-20G-69, seizure, or penalty of any kind, or may be denied any right or~~
19 ~~privilege, including civil penalty or disciplinary action by a court or business licensing board~~
20 ~~or entity, for acting in accordance with this chapter to:~~

21 ~~(1) Purchase or otherwise acquire cannabis from cultivation facility, and cannabis~~
22 ~~products or cannabis from a cannabis product manufacturing facility;~~

23 ~~(2) Possess, produce, process, manufacture, compound, convert, prepare, pack,~~
24 ~~repack, and store cannabis or cannabis products;~~

25 ~~(3) Deliver, transfer, or transport cannabis, cannabis products, cannabis~~
26 ~~paraphernalia, or related supplies or educational materials to a dispensary or~~
27 ~~cannabis product manufacturing facility;~~

28 ~~(4) Deliver, transfer, or transport cannabis to testing facility and compensate testing~~
29 ~~facility for services provided; or~~

30 ~~(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis~~
31 ~~paraphernalia, or related supplies or educational materials to a cannabis product~~
32 ~~manufacturing facility or dispensary.~~

33 **Section 4. That § 34-20G-11 be REPEALED:**

1 ~~No testing facility or testing facility agent is subject to prosecution, search, or~~
2 ~~inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty in any~~
3 ~~manner, or may be denied any right or privilege, including civil penalty or disciplinary~~
4 ~~action by a court or business licensing board or entity, for acting in accordance with this~~
5 ~~chapter to:~~

6 (1) ~~Acquire, possess, transport, and store cannabis or cannabis products obtained from~~
7 ~~a cardholder, nonresident cardholder or medical cannabis establishment;~~

8 (2) ~~Return the cannabis or cannabis products to a cardholder, nonresident cardholder,~~
9 ~~or medical cannabis establishment from whom it was obtained;~~

10 (3) ~~Test cannabis, including for potency, pesticides, mold, or contaminants; or~~

11 (4) ~~Receive compensation for services under this section.~~