

# *JOURNAL OF THE HOUSE*

## *NINETY-SEVENTH SESSION*

---

TWENTY-THIRD DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Tuesday, February 15, 2022

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Emily Munger, followed by the Pledge of Allegiance led by House pages Isabelle Mairose and Julia Platt.

Roll Call: All members present except Reps. Koth and Ernie Otten who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 22nd day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Spencer R. Gosch, Chair

1

---

**COMMUNICATIONS AND PETITIONS**

2

February 14, 2022

3

Mr. Speaker and Members of the House:

4

I have the honor to inform you that on February 14, 2022, I approved House Bills 1028, 1050, 1070, 1076, 1106, 1107, 1108, and 1109, and the same have been deposited in the office of the Secretary of State.

7

Respectfully submitted,  
Kristi Noem  
Governor

8

9

10

**REPORTS OF STANDING COMMITTEES**

11

Mr. SPEAKER:

12

The Committee on Legislative Procedure respectfully reports that **HB 1056, 1069, and 1103** were delivered to her Excellency, the Governor, for her approval at 11:06 a.m., February 15, 2022.

13

14

Respectfully submitted,  
Spencer R. Gosch, Chair

15

16

Mr. SPEAKER:

17

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1080** and finds the same correctly enrolled.

18

19

Respectfully submitted,  
Spencer R. Gosch, Chair

20

21

MR. SPEAKER:

22

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1155** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

23

24

25

Also MR. SPEAKER:

26

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1291 and 1313** which were deferred to the 41st Legislative Day.

27

28

Respectfully submitted,  
Nancy York, Chair

29

30

MR. SPEAKER:

31

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1066 and 1074** which were deferred to the 41st Legislative Day.

32

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **HB 1241** which was tabled.

4 Respectfully submitted,  
5 Jon Hansen, Chair

6 MR. SPEAKER:

7 The Committee on House State Affairs respectfully reports that it has had under consideration  
8 **HB 1209** and returns the same with the recommendation that said bill be referred to the House  
9 Committee on Appropriations.

10 Also MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration  
12 **HB 1259, 1260, and 1290** which were deferred to the 41st Legislative Day.

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration  
15 **HB 1113, 1116, and 1308** and returns the same with the recommendation that said bills do pass.

16 Also MR. SPEAKER:

17 The Committee on House State Affairs respectfully reports that it has had under consideration  
18 **HB 1311** and returns the same with the recommendation that said bill be amended as follows:

19 1311A

20 On page 1, line 5, of the Introduced bill, after "SECTION:" insert "No contract that purports to  
21 require a birth mother to terminate her relationship with the child she carries in utero is enforceable  
22 whether or not the birth mother is genetically related to the child. "

23 On page 1, line 6, of the Introduced bill, after "terminated" insert " by a post-birth order of the  
24 court"

25 On page 1, line 6, of the Introduced bill, after "terminated." insert " Under no circumstance  
26 may the relationship be terminated by a pre-birth order of the court."

27 On page 1, line 8, of the Introduced bill, after "SECTION:" insert "No contract that purports to  
28 require a birth mother to terminate her relationship with the child she carries in utero is enforceable  
29 whether or not the birth mother is genetically related to the child. "

30 On page 1, line 9, of the Introduced bill, after "terminated" insert " by a post-birth order of the  
31 court"

32 On page 1, line 9, of the Introduced bill, after "terminated." insert " Under no circumstance  
33 may the relationship be terminated by a pre-birth order of the court."

34 And that as so amended, said bill do pass.

35 Also MR. SPEAKER:

36 The Committee on House State Affairs respectfully reports that it has had under consideration  
37 **HB 1329** and returns the same with the recommendation that said bill be amended as follows:

1 1329A

2 On page 1, line 5, of the Introduced bill, after "audit" insert " of ballots, voting equipment, and  
3 voter verification processes,"

4 On page 1, line 6, of the Introduced bill, after "every" insert " federal office on the ballot"

5 On page 1, line 6, of the Introduced bill, after "every " insert "of a "

6 On page 1, line 7, of the Introduced bill, after "ballot" insert " and the two candidates with the  
7 highest number of votes are separated by less than ten percent of the total votes cast"

8 And that as so amended, said bill do pass.

9 Respectfully submitted,  
10 Kent Peterson, Chair

11 MR. SPEAKER:

12 The Committee on House Health and Human Services respectfully reports that it has had under  
13 consideration **HB 1180** which was tabled.

14 Also MR. SPEAKER:

15 The Committee on House Health and Human Services respectfully reports that it has had under  
16 consideration **HB 1283** and returns the same with the recommendation that said bill be amended  
17 as follows:

18 1283A

19 On page 1, line 1, of the Introduced bill, delete "and " and insert ", "

20 On page 1, line 1, of the Introduced bill, after "facility" insert ", and assisted living center"

21 On page 1, line 7, of the Introduced bill, delete "or " and insert "and "

22 On page 1, line 7, of the Introduced bill, after "facilities" insert " and assisted living centers"

23 And that as so amended, said bill do pass, and having been certified as uncontested, be placed  
24 on the consent calendar.

25 Also MR. SPEAKER:

26 The Committee on House Health and Human Services respectfully reports that it has had under  
27 consideration **HB 1285** and returns the same with the recommendation that said bill be amended  
28 as follows:

29 1285A

30 On page 1, line 10, of the Introduced bill, after "as" delete the colon

31 On page 1, line 11, of the Introduced bill, after "as:" delete "(a) A "

32 On page 1, line 12, of the Introduced bill, after "Certification" delete "; or"

33 On page 1, line 13, of the Introduced bill, after "or" delete "(b) A critical care paramedic by  
34 the International Association of Flight and Critical Care Paramedics"

1 And that as so amended, said bill do pass, and having been certified as uncontested, be placed  
2 on the consent calendar.

3 Also MR. SPEAKER:

4 The Committee on House Health and Human Services respectfully reports that it has had under  
5 consideration **HB 1292** and returns the same with the recommendation that said bill be amended  
6 as follows:

7 1292A

8 On page 1, line 1, of the Introduced bill, after "tetrahydrocannabinol " insert "THC-O acetate  
9 hexahydrocannabinol "

10 On page 1, line 7, of the Introduced bill, after "tetrahydrocannabinol " insert " THC-O acetate  
11 hexahydrocannabinol "

12 On page 1, line 10, of the Introduced bill, after "tetrahydrocannabinol " insert "THC-O acetate  
13 hexahydrocannabinol "

14 On page 1, line 13, of the Introduced bill, after "tetrahydrocannabinol " insert "THC-O acetate  
15 hexahydrocannabinol "

16 On page 1, line 14, of the Introduced bill, after "tetrahydrocannabinol " insert "THC-O acetate  
17 hexahydrocannabinol "

18 And that as so amended, said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on House Health and Human Services respectfully reports that it has had under  
21 consideration **HB 1282** and returns the same with the recommendation that said bill do pass, and  
22 having been certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,  
24 Kevin D. Jensen, Chair

25 MR. SPEAKER:

26 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
27 under consideration **HB 1165** which was deferred to the 41st Legislative Day.

28 Also MR. SPEAKER:

29 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
30 under consideration **HB 1323 and 1324** which were tabled.

31 Also MR. SPEAKER:

32 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
33 under consideration **HB 1325** and returns the same with the recommendation that said bill be  
34 amended as follows:

35 1325A

36 On page 1, line 19, of the Introduced bill, after "is" insert " not"

37 On page 2, line 4, of the Introduced bill, after "classification." insert "

1 Nothing in this section prohibits the department from categorizing soil map units with land  
2 capability class I, II or III as noncropland if the reasonable, probable use of the soil map unit that  
3 is physically practical, appropriately supported, financially feasible, and that results in the highest  
4 sustainable use of the land, is not harvesting crops or plants produced. "

5 And that as so amended, said bill do pass.

6 Respectfully submitted,  
7 Marty Overweg, Chair

8 MR. SPEAKER:

9 The Committee on House Taxation respectfully reports that it has had under consideration  
10 **HB 1045** and returns the same with the recommendation that said bill be amended as follows:

11 1045C

12 On page 1, line 1, of the Introduced bill, after "to " insert "to provide for the use and regulated  
13 sale of marijuana, and to impose"

14 On page 1, line 1, of the Introduced bill, after "to " delete "increase"

15 On page 1, line 1, of the Introduced bill, delete " gross receipts of all sales" and insert " sale"

16 On page 1, line 2, of the Introduced bill, after "distribute" delete " a portion of"

17 On page 1, line 5, of the Introduced bill, delete " shall appropriate" and insert " may expend  
18 so much of"

19 On page 1, line 5, of the Introduced bill, delete " section 1" and insert " section 4"

20 On page 1, line 7, of the Introduced bill, delete " section 1" and insert " section 4"

21 On page 1, line 7, of the Introduced bill, after "Act." delete "

22 If the remaining revenue does not exceed ten million dollars in a tax year, the remaining  
23 revenue must be deposited into the state general fund."

24 On page 1, line 10, of the Introduced bill, delete "If the remaining revenue exceeds ten million  
25 dollars in a tax year, fifty" and insert "Fifty"

26 On page 1, line 13, of the Introduced bill, delete " construction, repair, and renovation of  
27 courthouses, jails, county roads, bridges, with any revenue not used for these purposes to be used  
28 to reduce the property tax levy in the county. The remaining fifty percent of revenue must be  
29 deposited into the state general fund" and insert " purposes set forth in section 2 of this Act"

30 On page 1, after line 16, of the Introduced bill, insert: "

31 **Section 2. That chapter 10-45 be amended with a NEW SECTION:**

32 Each county shall use the revenue distributed under section 2 of this Act for necessary  
33 expenses incurred by the county under the provisions of chapters 7-12, 7-16, 7-16A, and 23A-40."

34 On page 1, after line 16, of the Introduced bill, insert: "

35 **Section 3. That a NEW SECTION be added to title 10:**

36 Terms used in this chapter mean:

1 (1) "Average Market Rate," the average prices as determined by the department, pursuant to  
 2 section 4 of this Act, based on all marijuana sold or transferred from manufacturers to unaffiliated  
 3 marijuana facilities.

4 (2) "Dispensary," a licensed entity that acquires, possesses, stores, delivers, transfers,  
 5 transports, sells, supplies, or dispenses marijuana, marijuana products, and related supplies to a  
 6 consumer;

7 (3) "Manufacturer," a licensed entity that acquires, possesses, manufactures, delivers,  
 8 transfers, transports, supplies, or sells marijuana products to a marijuana facility;

9 (4) "Marijuana facility," an entity licensed to cultivate, test, manufacture, or dispense  
 10 marijuana or marijuana products;

11 (5) "Marijuana," as defined in § 22-42-1;

12 (6) "Marijuana concentrate," the resin extracted from any part of a marijuana plant and every  
 13 compound, manufacture, salt, derivative, mixture, or preparation from such resin;

14 (6) "Marijuana product," any product infused with marijuana concentrate and intended for use  
 15 or consumption by humans."

16 On page 1, after line 16, of the Introduced bill, insert: "

17 **Section 4. That a NEW SECTION be added to title 10:**

18 There is hereby levied an excise tax on the first sale or transfer of unprocessed marijuana by  
 19 a marijuana cultivation facility, at a rate of fifteen percent of the average market rate of the  
 20 unprocessed marijuana if the transaction is between affiliated marijuana business licensees. There  
 21 is levied a tax on the first sale or transfer of unprocessed marijuana by a marijuana cultivation  
 22 facility, at a rate of fifteen percent of the contract price for unprocessed marijuana if the transaction  
 23 is between unaffiliated retail marijuana business licensees. Marijuana excise tax shall also be  
 24 calculated as fifteen percent of the contract price when the first transfer of marijuana that has been  
 25 harvested for sale at a retail marijuana store or extraction by a marijuana product manufacturing  
 26 facility is between unaffiliated retail marijuana cultivation facilities. The tax shall be imposed at the  
 27 time when the marijuana cultivation facility first sells or transfers unprocessed marijuana from the  
 28 marijuana cultivation facility to a marijuana product manufacturing facility or a marijuana store.  
 29 This tax is in lieu of the tax imposed pursuant to § 10-45-2. The Department shall establish, by  
 30 rules adopted under chapter 1-26, the method for calculating the average market rate."

31 On page 1, after line 16, of the Introduced bill, insert: "

32 **Section 5. That a NEW SECTION be added to title 10:**

33 Each manufacturer liable for the payment of taxes levied under this chapter shall file with the  
 34 secretary of revenue a return, on a form prescribed by the secretary, showing the kind and quantity  
 35 of marijuana manufactured, received, and in the manufacturer's possession, together with the  
 36 names of the persons from whom received, the amount of tax due, and any other information  
 37 prescribed by the secretary. The return, covering the period of one calendar month, together with  
 38 payment of the tax due, must be transmitted to the Department of Revenue on or before the twenty-  
 39 fifth day of the second month following the close of the reporting period. A violation of this section  
 40 is a Class 1 misdemeanor."

41 On page 1, after line 16, of the Introduced bill, insert: "

42 **Section 6. That a NEW SECTION be added to title 10:**

43 Any manufacturer required to file returns or reports under this chapter, who fails to file a return  
 44 or report or pay the tax when due, is subject to interest and penalty at the rates set forth in § 10-  
 45 59-6. For reasonable cause shown, the secretary of revenue may reduce or eliminate the penalty.

1 If any manufacturer files a false or fraudulent return, an amount equal to the tax evaded, or  
 2 attempted to be evaded, shall be added to the tax. Penalty and interest are considered the same as  
 3 tax for the purposes of collection and enforcement, including liens, distress warrants, and criminal  
 4 violations. Any payment received for taxes, penalty, or interest is applied first to tax, beginning with  
 5 the oldest delinquency, then to interest, and then to penalty. No court may enjoin the collection of  
 6 the tax or civil penalty."

7 On page 1, after line 16, of the Introduced bill, insert: "

8 **Section 7. That a NEW SECTION be added to title 10:**

9 Any manufacturer liable for the payment of the taxes shall keep, in current and available form  
 10 on the licensed premises, records of all purchases, sales, quantities on hand, and any other  
 11 information the secretary of revenue may prescribe by rule promulgated pursuant to chapter 1-26.  
 12 The secretary of revenue may require from a manufacturer any report necessary to administer the  
 13 requirements of this chapter. The secretary may require the production of any book, record,  
 14 document, invoice, and voucher kept, maintained, received, or issued by the manufacturer in  
 15 connection with the manufacturer's business that, in the judgment of the secretary, may be  
 16 necessary to administer and discharge the secretary's duties, to secure the maximum of revenue to  
 17 be paid, and to carry out the requirements of this chapter. A violation of this section is a Class 1  
 18 misdemeanor."

19 On page 1, after line 16, of the Introduced bill, insert: "

20 **Section 8. That a NEW SECTION be added to title 10:**

21 There is hereby created within the state treasury the marijuana fund into which all funds  
 22 collected under this chapter shall be deposited."

23 On page 1, after line 16, of the Introduced bill, insert: "

24 **Section 9. That § 22-42-1 be AMENDED:**

25 **22-42-1.** Terms used in this chapter mean:

26 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a drug  
 27 or substance, listed in Schedules I through IV. The term includes an altered state of a drug or  
 28 substance listed in Schedules I through IV absorbed into the human body;

29 (2) "Counterfeit substance," a controlled drug or substance which, or the container of  
 30 labeling of which, without authorization, bears the trade-mark, trade name, or other identifying  
 31 mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or  
 32 dispenser other than the person or persons who manufactured, distributed, or dispensed such  
 33 substance and which thereby falsely purports or is represented to be the product of, or to have been  
 34 distributed by, such other manufacturer, distributor, or dispenser;

35 (3) "Deliver" ~~or "delivery,"~~ the actual or constructive transfer of a controlled drug, substance,  
 36 or marijuana whether or not there exists an agency relationship;

37 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human  
 38 research subject by or pursuant to the lawful order of a practitioner, including the prescribing,  
 39 administering, packaging, labeling, or compounding necessary to prepare the substance for such  
 40 delivery, and a dispenser is one who dispenses;

41 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution means  
 42 the delivery of a controlled drug, substance, or marijuana;

43 (6) "Equivalent weight" the weight that a given quantity of marijuana products counts against  
 44 a quantity of marijuana;



1 ~~(6)~~(7) "Manufacture," the production, preparation, propagation, compounding, or processing of  
 2 a controlled drug or substance, either directly or indirectly by extraction from substances of natural  
 3 origin, or independently by means of chemical synthesis or by a combination of extraction and  
 4 chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any  
 5 container of any controlled drug or substance, except practitioners who dispense or compound  
 6 prescription orders ~~for delivery to deliver~~ to the ultimate user;

7 ~~(7)~~(8) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in its  
 8 natural and unaltered state, except for drying or curing and crushing or crumbling. ~~The term includes~~  
 9 ~~an altered state of marijuana absorbed into the human body.~~ The term does not include fiber  
 10 produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant.  
 11 The term does not include the plant Cannabis sativa L. and any part of that plant, including the  
 12 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
 13 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-  
 14 tenths of one percent on a dry weight basis;

15 (9) "Marijuana concentrate," the resin extracted from any part of a marijuana plant and every  
 16 compound, manufacture, salt, derivative, mixture, or preparation from such resin;

17 (10) "Marijuana products," products infused with marijuana concentrate and intended for use or  
 18 consumption by humans;

19 ~~(8)~~(11) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry,  
 20 or veterinary medicine licensed to practice his profession, or pharmacists licensed to practice their  
 21 profession; physician's assistants certified to practice their profession; government employees  
 22 acting within the scope of their employment; and persons permitted by certificates issued by the  
 23 Department of Health to distribute, dispense, conduct research with respect to, or administer a  
 24 substance controlled by chapter 34-20B;

25 ~~(9)~~(12) "Precursor" or "immediate precursor," a substance which the Department of  
 26 Health has found to be and by rule designates as being a principal compound commonly used or  
 27 produced primarily for use, and which is an immediate chemical intermediary used or likely to be  
 28 used, in the manufacture of a controlled drug or substance, the control of which is necessary to  
 29 prevent, curtail, or limit such manufacture;

30 ~~(10)~~(13) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of  
 31 drugs, substances, and immediate precursors listed in chapter 34-20B;

32 ~~(11)~~(14) "Ultimate user," a person who lawfully possesses a controlled drug or substance  
 33 for that person's own use or for the use of a member of that person's household or for administration  
 34 to an animal owned by that person or by a member of that person's household."

35 On page 1, after line 16, of the Introduced bill, insert: "

36 **Section 10. That § 22-42-6 be AMENDED:**

37 ~~22-42-6. No person may knowingly possess marijuana. No person under the age of twenty-~~  
 38 ~~one mya knowingly posses marijuana. It is a Class 1~~Class 2 ~~misdemeanor for any person under the~~  
 39 ~~age of twenty-one to possess two ounces of marijuana or marijuana in quantities less than four~~  
 40 ~~ounces of marijuana, including an equivalent weight of marijuana products. It is a Class 6 felony for~~  
 41 ~~any person under the age of twenty-one to possess four or more ounces of marijuana, including an~~  
 42 ~~equivalent weight of marijuana products. It is a Class 2 misdemeanor for any person twenty-one or~~  
 43 ~~older to possess more than one ounce but less than four ounces of marijuana, including an~~  
 44 ~~equivalent weight of marijuana products. It is a Class 6 felony~~Class 1 ~~misdemeanor for any person~~  
 45 ~~twenty-one or older to possess more than two ounces of marijuana but less than one half pound~~  
 46 ~~four to sixteen ounces of marijuana, including an equivalent weight of marijuana products. It is a~~  
 47 ~~Class 5~~Class 6 ~~felony for any person twenty-one or older to possess one half pound but less than~~  
 48 ~~one pound more than sixteen ounces of marijuana, including an equivalent weight of marijuana~~  
 49 ~~products. It is a Class 4 felony to possess one to ten pounds of marijuana. It is a Class 3 felony to~~  
 50 ~~possess more than ten pounds of marijuana. A civil penalty may be imposed, in addition to any~~

1 ~~criminal penalty, upon a conviction of a violation of this section not to exceed ten thousand dollars.~~  
 2 ~~This section does not apply to any person licensed or registered with the state to undertake an~~  
 3 ~~activity involving the possession of marijuana or marijuana products who acts in compliance with~~  
 4 ~~the authorizing law."~~

5 On page 1, after line 16, of the Introduced bill, insert: "

6 **Section 11. That § 22-42-7 be AMENDED:**

7 **22-42-7.** ~~The distribution, or possession with intent to distribute, of less than one-half ounce~~  
 8 ~~of marijuana without consideration is a Class 1 misdemeanor; otherwise, the distribution, or~~  
 9 ~~possession with intent to distribute, for consideration, of marijuana in quantities one ounce or less~~  
 10 ~~than four ounces of marijuana, including an equivalent weight of marijuana products, to any person~~  
 11 ~~twenty-one or older is a Class 6 felonyClass 1 misdemeanor. The distribution, or possession with~~  
 12 ~~intent to distribute, of more than one ouncefour ounces but less than one-half one pound of~~  
 13 ~~marijuana, including an equivalent weight of marijuana products, to a person twenty-one or older~~  
 14 ~~is a Class 5Class 6 felony. The distribution, or possession with intent to distribute, of one-half pound~~  
 15 ~~but less than one pound or more of marijuana, including an equivalent weight of marijuana products,~~  
 16 ~~to a person twenty-one or older, is a Class 4Class 5 felony. The distribution, or possession with~~  
 17 ~~intent to distribute, of one pound or more of marijuana is a Class 3 felony. The distribution, or~~  
 18 ~~possession with intent to distribute of marijuana, of less than one-half ounce of marijuana, including~~  
 19 ~~an equivalent weight of marijuana products, to a minor any person under the age of twenty-one~~  
 20 ~~without consideration is a Class 6 felonyClass 1 misdemeanor; otherwise, the distribution, or~~  
 21 ~~possession with intent to distribute, of one ounce four ounces or less of marijuana, including an~~  
 22 ~~equivalent weight of marijuana products, to a minor any person under the age of twenty-one is a~~  
 23 ~~Class 5Class 6 felony. The distribution, or possession with intent to distribute, of more than one~~  
 24 ~~ounce four ounces but less than one-half one pound of marijuana, including an equivalent weight of~~  
 25 ~~marijuana products, to a minor any person under the age of twenty-one is a Class 4Class 5 felony.~~  
 26 ~~The distribution, or possession with intent to distribute, of one-half pound but less than one pound~~  
 27 ~~of marijuana to a minor is a Class 3 felony. The distribution, or possession with intent to distribute,~~  
 28 ~~of one pound or more of marijuana, including an equivalent weight of marijuana products, to a minor~~  
 29 ~~any person under the age of twenty-one is a Class 2Class 4 felony. A first conviction of a felony~~  
 30 ~~under this section shall be punished by a mandatory sentence in the state penitentiary or county~~  
 31 ~~jail of at least thirty days, which sentence may not be suspended. A second or subsequent conviction~~  
 32 ~~of a felony under this section shall be punished by a mandatory sentence of at least one year.~~  
 33 ~~Conviction of a Class 1 misdemeanor under this section shall be punished by a mandatory sentence~~  
 34 ~~in county jail of not less than fifteen days, which sentence may not be suspended. A civil penalty,~~  
 35 ~~not to exceed ten thousand dollars, may be imposed, in addition to any criminal penalty, upon a~~  
 36 ~~conviction of a felony violation of this section. This section does not apply to any person licensed or~~  
 37 ~~registered with the state to undertake an activity involving the distribution, or possession with intent~~  
 38 ~~to distribute, of marijuana or marijuana products who acts in compliance with the authorizing law."~~

39 On page 1, after line 16, of the Introduced bill, insert: "

40 **Section 12. That chapter 22-42 be amended with a NEW SECTION:**

41 The equivalent weight of the following marijuana products to one ounce of marijuana is:

- 42 (1) Eight grams net weight of marijuana concentrate in smokable form;
- 43 (2) Eight grams net weight of vaporizer pens or cartridges;
- 44 (3) Eight hundred milligrams delta-9 tetrahydrocannabinol in edibles, excluding oils;
- 45 (4) Five grams net weight of oils in oral dosage syringe or capsule form;
- 46 (5) Twelve fluid ounces of liquid topical application, including ointment, cream, or lotion;
- 47 (6) One ounce of dried topical application, included dried plant material or powder; or

1 (7) Eight hundred milligrams delta-9 tetrahydrocannabinol in transdermal patches."

2 On page 1, after line 16, of the Introduced bill, insert: "

3 **Section 13. That § 22-42-15 be AMENDED:**

4 **22-42-15.** Any person who intentionally ingests, inhales, or otherwise takes into the body any  
 5 substance, except marijuana, marijuana concentrate, marijuana products, or alcoholic beverages  
 6 as defined in § 35-1-1, for purposes of becoming intoxicated, unless such substance is prescribed  
 7 by a practitioner of the medical arts lawfully practicing within the scope of the practitioner's practice,  
 8 is guilty of a Class 1 misdemeanor. The venue for a violation of this section exists in either the  
 9 jurisdiction in which the substance was ingested, inhaled, or otherwise taken into the body or the  
 10 jurisdiction in which the substance was detected in the body of the accused."

11 On page 1, after line 16, of the Introduced bill, insert: "

12 **Section 14. That § 22-42-24 be AMENDED:**

13 **22-42-24.** While a motor vehicle is located upon a public highway or the right-of-way of a  
 14 public highway, it is a Class 2 misdemeanor if any person operating or in actual physical control of  
 15 a motor vehicle smokes or consumes marijuana, or marijuana concentrate, or marijuana products  
 16 while the vehicle is being operated. ~~For purposes of this section and § 22-42-25, marijuana~~  
 17 ~~concentrate is the resin extracted from any part of a marijuana plant and every compound,~~  
 18 ~~manufacture, salt, derivative, mixture, or preparation from such resin."~~

19 On page 1, after line 16, of the Introduced bill, insert: "

20 **Section 15. That chapter 22-42 be amended with a NEW SECTION:**

21 No person may smoke, eat, consume, or vape marijuana, marijuana concentrate, or marijuana  
 22 products in any public place. A violation of this section is a Class 2 misdemeanor. A second or  
 23 subsequent violation is a Class 1 misdemeanor."

24 On page 1, after line 16, of the Introduced bill, insert: "

25 **Section 16. That chapter 22-42 be amended with a NEW SECTION:**

26 An employer may prohibit an employee from ingesting cannabis on the work site during work  
 27 hours. An employer may prohibit an employee from performing work duties while under the  
 28 influence of cannabis."

29 On page 1, after line 16, of the Introduced bill, insert: "

30 **Section 17. That § 22-42A-3 be AMENDED:**

31 **22-42A-3.** No person, knowing the drug-related nature of the object, may use or ~~to~~-possess  
 32 with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,  
 33 compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal,  
 34 inject, ingest, inhale, or otherwise introduce into the human body any controlled substance ~~or~~  
 35 ~~marijuana~~ in violation of this chapter. Any person who violates any provision of this section is guilty  
 36 of a Class 2 misdemeanor."

37 On page 1, after line 16, of the Introduced bill, insert: "

38 **Section 18. That § 22-42A-4 be AMENDED:**

39 **22-42A-4.** No person, knowing the drug related nature of the object, may deliver, possess  
 40 with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under  
 41 circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate,  
 42 grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack,

1 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a  
 2 controlled substance ~~or marijuana~~ in violation of this chapter. Any person who violates any provision  
 3 of this section is guilty of a Class 6 felony."

4 On page 1, after line 16, of the Introduced bill, insert: "

5 **Section 19. That chapter 22-42A be amended with a NEW SECTION:**

6 For the purposes of this chapter, marijuana, marijuana concentrate, and marijuana products,  
 7 as defined in § 22-42-1, are not controlled substances."

8 On page 1, after line 16, of the Introduced bill, insert: "

9 **Section 20. That § 34-20B-1 be AMENDED:**

10 **34-20B-1.** Terms as used in this chapter mean:

11 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or human  
 12 research subject by injection, inhalation, or ingestion, or by any other means;

13 (2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer,  
 14 distributor, or dispenser and includes a common or contract carrier, public warehouseman, or  
 15 employee thereof;

16 (3) "Control," to add, remove, or change the placement of a drug, substance, or immediate  
 17 precursor under §§ 34-20B-27 and 34-20B-28;

18 (4) "Counterfeit substance," a controlled drug or substance which, or the container or  
 19 labeling of which, without authorization, bears the trademark, trade name, or other identifying mark,  
 20 imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser  
 21 other than the person or persons who manufactured, distributed, or dispensed such substance and  
 22 which thereby falsely purports or is represented to be the product of, or to have been distributed  
 23 by, such other manufacturer, distributor, or dispenser;

24 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled  
 25 drug, or substance, ~~or marijuana~~ whether or not there exists an agency relationship;

26 (6) "Department," the Department of Health created by chapter 1-43;

27 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human  
 28 research subject by or pursuant to the lawful order of a practitioner, including the prescribing,  
 29 administering, packaging, labeling, or compounding necessary to prepare the substance for such  
 30 delivery, and a dispenser is one who dispenses;

31 (8) "Distribute," to deliver a controlled drug, or substance, ~~or marijuana~~. A distributor is a  
 32 person who delivers a controlled drug, or substance, ~~or marijuana~~;

33 ~~(9) "Hashish," the resin extracted from any part of any plant of the genus cannabis that~~  
 34 ~~contains a delta-9 tetrahydrocannabinol concentration of more than three tenths of one percent on~~  
 35 ~~a dry weight basis;~~

36 ~~(10)~~(9) "Imprisonment," imprisonment in the state penitentiary unless the penalty  
 37 specifically provides for imprisonment in the county jail;

38 ~~(11)~~(10) "Manufacture," the production, preparation, propagation, compounding, or  
 39 processing of a controlled drug or substance, either directly or indirectly by extraction from  
 40 substances of natural origin, or independently by means of chemical synthesis or by a combination  
 41 of extraction and chemical synthesis. A manufacturer includes any person who packages,  
 42 repackages, or labels any container of any controlled drug or substance, except practitioners who  
 43 dispense or compound prescription orders for delivery to the ultimate consumer;

1 ~~(12)~~ "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the  
 2 seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such  
 3 plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or  
 4 oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant  
 5 or cannabidiol in a drug product approved by the United States Food and Drug Administration. The  
 6 term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds  
 7 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
 8 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-  
 9 tenths of one percent on a dry weight basis;

10 ~~(13)~~(11) "Narcotic drug," any of the following, whether produced directly or indirectly by  
 11 extraction from substances of vegetable origin or independently by means of chemical synthesis, or  
 12 by a combination of extraction and chemical synthesis:

13 (a) Opium, coca leaves, and opiates;

14 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves,  
 15 or opiates;

16 (c) A substance (and any compound, manufacture, salt, derivative, or preparation  
 17 thereof) which is chemically identical with any of the substances referred to in subsections (a) and  
 18 (b) of this subdivision;

19 except that the term, narcotic drug, as used in this chapter does not include decocainized coca leaves  
 20 or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

21 ~~(14)~~(12) "Opiate" or "Opioid," any controlled drug or substance having an addiction-  
 22 sustaining liability similar to morphine or being capable of conversion into a drug having such  
 23 addiction-forming or addiction-sustaining liability;

24 ~~(15)~~(13) "Opium poppy," the plant of the species papaver somniferum L., except the seeds  
 25 thereof;

26 ~~(16)~~(14) "Person," any corporation, association, limited liability company, partnership or  
 27 one or more individuals;

28 ~~(17)~~(15) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

29 ~~(18)~~(16) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry,  
 30 or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their  
 31 profession; physician assistants certified to practice their profession; certified nurse practitioners,  
 32 certified nurse midwives, and certified registered nurse anesthetists to practice their profession;  
 33 government employees acting within the scope of their employment; and persons permitted by  
 34 certificates issued by the department to distribute, dispense, conduct research with respect to, or  
 35 administer a substance controlled by this chapter;

36 ~~(19)~~(17) "Prescribe," an order of a practitioner for a controlled drug or substance.

37 ~~(20)~~(18) "Production," the manufacture, planting, cultivation, growing, or harvesting of a  
 38 controlled drug or substance;

39 ~~(21)~~(19) "State," the State of South Dakota;

40 ~~(22)~~(20) "Ultimate user," a person who lawfully possesses a controlled drug or substance  
 41 for personal use or for the use of a member of the person's household or for administration to an  
 42 animal owned by the person or by a member of the person's household;

43 ~~(23)~~(21) "Controlled substance analogue," any of the following:

1 (a) A substance that differs in its chemical structure to a controlled substance listed  
 2 in or added to the schedule designated in schedule I or II only by substituting one or more hydrogens  
 3 with halogens or by substituting one halogen with a different halogen; or

4 (b) A substance that is an alkyl homolog of a controlled substance listed in or added  
 5 to schedule I or II; or

6 (c) A substance intended for human consumption; and

7 (i) The chemical structure of which is substantially similar to the chemical  
 8 structure of a controlled substance in schedule I or II;

9 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the central  
 10 nervous system that is substantially similar to or greater than the stimulant, depressant, or  
 11 hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

12 (iii) With respect to a particular person, which such person represents or  
 13 intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that  
 14 is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the  
 15 central nervous system of a controlled substance in schedule I or II;

16 However, the term, controlled substance analogue, does not include a controlled substance or  
 17 any substance for which there is an approved new drug application."

18 On page 1, after line 16, of the Introduced bill, insert: "

19 **Section 21. That § 34-20B-14 be AMENDED:**

20 **34-20B-14.** Any material, compound, mixture, or preparation which contains any quantity of  
 21 the following hallucinogenic substances, their salts, isomers, and salts of isomers, is included in  
 22 Schedule I, unless specifically excepted, whenever the existence of such salts, isomers, and salts of  
 23 isomers is possible within the specific chemical designation:

24 (1) Bufotenine;

25 (2) Diethyltryptamine (DET);

26 (3) Dimethyltryptamine (DMT);

27 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);

28 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;

29 (6) 4-bromo-2, 5-dimethoxyamphetamine;

30 (7) 4-methoxyamphetamine;

31 (8) 4-methoxymethamphetamine;

32 (9) 4-methyl-2, 5-dimethoxyamphetamine;

33 ~~(10) Hashish and hash oil;~~

34 ~~(11)~~(10) Ibogaine;

35 ~~(12)~~(11) Lysergic acid diethylamide;

36 ~~(13)~~(12) Mescaline;

- 
- 1        ~~(14)~~(13)        N-ethyl-3-piperidyl benzilate;
  - 2        ~~(15)~~(14)        N-methyl-3-piperidyl benzilate;
  - 3        ~~(16)~~(15)        1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
  - 4        ~~(17)~~(16)        Peyote, except that when used as a sacramental in services of the Native American
  - 5 church in a natural state which is unaltered except for drying or curing and cutting or slicing, it is
  - 6 hereby excepted;
  - 7        ~~(18)~~(17)        Psilocybin;
  - 8        ~~(19)~~(18)        Psilocyn;
  - 9        ~~(20)~~—Tetrahydrocannabinol, other than that
  - 10 which occurs in industrial hemp as defined in § 38-35-1 or marijuana in its natural and unaltered
  - 11 state, including any compound, except nabilone or compounds listed under a different schedule,
  - 12 structurally derived from 6,6' dimethyl benzo[c]chromene by substitution at the 3 position with
  - 13 either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is
  - 14 further modified in any of the following ways:
  - 15                (a) — By partial to complete saturation of the C ring; or
  - 16                (b) — By substitution at the 1 position with a hydroxyl or methoxy group; or
  - 17                (c) — By substitution at the 9 position with a hydroxyl, methyl, or methylhydroxyl group;
  - 18 or
  - 19                (d) — By modification of the possible 3-alkyl group with a 1,1' dimethyl moiety, a 1,1'
  - 20 cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano,
  - 21 azido, or dimethylcarboxamide group.
  - 22                ————— Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC;
  - 23 AM-087; AM-411; AM-855; AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243; HU-336;
  - 24        ~~(21)~~(19)        3, 4, 5-trimethoxy amphetamine;
  - 25        ~~(22)~~(20)        3, 4-methylenedioxy amphetamine;
  - 26        ~~(23)~~(21)        3-methoxyamphetamine;
  - 27        ~~(24)~~(22)        2, 5-dimethoxyamphetamine;
  - 28        ~~(25)~~(23)        2-methoxyamphetamine;
  - 29        ~~(26)~~(24)        2-methoxymethamphetamine;
  - 30        ~~(27)~~(25)        3-methoxymethamphetamine;
  - 31        ~~(28)~~(26)        Phencyclidine;
  - 32        ~~(29)~~(27)        3, 4-methylenedioxymethamphetamine (MDMA);
  - 33        ~~(30)~~(28)        3, 4-methylenedioxy-N-ethylamphetamine;
  - 34        ~~(31)~~(29)        N-hydroxy-3, 4-methylenedioxyamphetamine;
  - 35        ~~(32)~~(30)        4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);

- 1 ~~(33)~~(31) 2,5 Dimethoxy-4-ethylamphetamine;
- 2 ~~(34)~~(32) N,N-Dimethylamphetamine;
- 3 ~~(35)~~(33) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 4 ~~(36)~~(34) Aminorex;
- 5 ~~(37)~~(35) Cathinone and other variations, defined as any compound, material, mixture,  
6 preparation or other product unless listed in another schedule or an approved FDA drug (e.g.  
7 bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-  
8 position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is  
9 further modified in any of the following ways:
- 10 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,  
11 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by  
12 one or more other univalent substituents;
- 13 (b) By substitution at the 3-position with an acyclic alkyl substituent;
- 14 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
15 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 16 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone  
17 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-  
18 methylenedioxypropylpyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone  
19 (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-  
20 Ethylcathinone); 3,4-methylenedioxyethylcathinone (ethylone); Beta-keto-N-methyl-3,4-  
21 benzodioxolylbutanamine (butylone); N,N-dimethylcathinone (metamfepramone); Alpha-  
22 pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-  
23 methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-  
24 PVP); 3-fluoromethcathinone; 4'-Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-&agr;-  
25 pyrrolidinopropiophenone (MPPP); Methyl-&agr;-pyrrolidino-hexanophenone (MPHP);  
26 Buphedrone; Methyl-N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC);  
27 Dimethylethcathinone (DMEC); Methylenedioxy-methcathinone (MDMC); Pentylone;  
28 Ethylethcathinone; Ethylmethcathinone; Fluoroethylcathinone; methyl-alpha-  
29 pyrrolidinobutiophenone (MPBP); Methylethcathinone (MEC); Methylenedioxy-alpha-  
30 pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone (MBP);  
31 Benzedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA); Diethylcathinone; Etylone  
32 (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)-2-  
33 (ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-alpha-pyrrolidinopropiophenone (4-  
34 MEPPP, MPPP or MaPPP); alpha-Pyrrolidinobutiophenone (α;PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-  
35 butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)hexan-1-one (N-  
36 ethyl Hexylone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Pentylone);
- 37 ~~(38)~~(36) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 38 ~~(39)~~(37) Alpha-ethyltryptamine;
- 39 ~~(40)~~(38) 4-Bromo-2,5-dimethoxy phenethylamine;
- 40 ~~(41)~~(39) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- 41 ~~(42)~~(40) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- 42 ~~(43)~~(41) Alpha-methyltryptamine (AMT);
- 43 ~~(44)~~(42) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 44 ~~(45)~~(43) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);



1       ~~(46)~~(44) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is  
2 not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains  
3 any quantity of the following substances, their salts, isomers (whether optical, positional, or  
4 geometric), homologues, modifications of the indole ring by nitrogen heterocyclic analog substitution  
5 or nitrogen heterocyclic analog substitution of the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl,  
6 cumyl, or propionaldehyde structure, and salts of isomers, homologues, and modifications, unless  
7 specifically excepted, whenever the existence of these salts, isomers, homologues, modifications,  
8 and salts of isomers, homologues, and modifications is possible within the specific chemical  
9 designation:

10           (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-(1-  
11 naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
12 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
13 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
14 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not  
15 further substituted on the indole ring to any extent and whether or not substituted on the naphthyl  
16 ring to any extent.

17           Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-  
18 018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-  
19 pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole  
20 (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-  
21 pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN  
22 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-  
23 047; JWH-048; JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079; JWH-080;  
24 JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164;  
25 JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-212;  
26 JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262;  
27 JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413;  
28 JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232, THJ-2201;

29           (b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-  
30 naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen  
31 atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
32 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-  
33 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or  
34 halobenzyl group, whether or not further substituted on the indole ring to any extent and whether  
35 or not substituted on the naphthyl ring to any extent.

36           Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194;  
37 JWH-195; JWH-196; JWH-197; JWH-199;

38           (c) Phenylacetylindoles. Any compound containing a 2-phenylacetylindole or 3-  
39 phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
40 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-  
41 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
42 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not  
43 further substituted on the indole ring to any extent and whether or not substituted on the phenyl  
44 ring to any extent.

45           Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole  
46 (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-  
47 methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); JWH-  
48 167; JWH-201; JWH-202; JWH-204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237;  
49 JWH-248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306;  
50 JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316; Cannabipiperidiethanone;

51           (d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-  
52 (benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
53 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
54 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

1 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not  
2 further substituted on the indole ring to any extent and whether or not substituted on the phenyl  
3 ring to any extent.

4 Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-  
5 694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-  
6 methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661; AM-2233; AM-1241;

7 (e) Naphthoypyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-(1-  
8 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,  
9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
10 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
11 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not  
12 further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl  
13 ring to any extent.

14 Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-146;  
15 JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292;  
16 JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367;  
17 JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;

18 (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene  
19 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
21 cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,  
22 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on  
23 the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent.

24 Some trade or other names: JWH-171; JWH-176; JWH-220;

25 (g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol  
26 structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,  
27 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-  
28 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-  
29 yl)methyl, benzyl, or halobenzyl group, whether or not substituted on the cyclohexyl ring to any  
30 extent.

31 Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-  
32 hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol;  
33 CP-55,490; CP-55,940; CP-56,667

34 (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
35 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

36 (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-  
37 benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;

38 (j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl  
39 indole structure substituted at the acetyl by replacement of the methyl group with a  
40 tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent whether or not  
41 further substituted on the tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde  
42 substituent to any extent and whether or not further substituted at the nitrogen atom of the indole  
43 ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
44 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
45 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not  
46 further substituted on the indole ring to any extent.

47 Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-  
48 tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-  
49 tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-

1 tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-  
2 1-oyl)indole (AM-1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018 adamantyl  
3 analog); AM-679;

4 (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide  
5 indole or 3-carboxamide indole structure substituted at the nitrogen of the carboxamide with a  
6 tetramethylcyclopropyl, naphthyl, adamantyl, cumyl, phenyl, or propionaldehyde substituent,  
7 whether or not further substituted on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl,  
8 phenyl, or propionaldehyde substituent to any extent and whether or not further substituted at the  
9 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
11 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or  
12 halobenzyl group whether or not further substituted on the indole ring to any extent.

13 Some trade and other names: JWH-018 adamantyl carboxamide; STS-135; MN-  
14 18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-  
15 carboxamide (5F-CUMYL-P7AICA) ; N-(Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-  
16 carboxamide (5F-APINACA); methyl (2R)-2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-3,3-  
17 dimethylbutanoate (5F-ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-  
18 (cyclohexylmethyl)indazole-3-carboxamide (AB-CHMINACA); 1-(4-cyanobutyl)-N-(2-phenylpropan-  
19 2-yl)-1H-indazole-3-carboxamide (4-CN-CUMYL-BUTINACA); N-(1-amino-3,3-dimethyl-1-  
20 oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (ADB-CHMINACA or MAB-  
21 CHMINACA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3,3-  
22 dimethylbutanoate (MDMB-FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-  
23 carboxamido)-3-methylbutanoate (MMB-CHMICA); methyl (2S)-2-[[1-[4-  
24 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (AMB-FUBINACA); Methyl 2-  
25 (1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB); methyl 2-(1-(5-  
26 fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMB-PICA); methyl (S)-3,3-  
27 dimethyl-2-[(1-(pent-4-enylindazole-3-carbonyl)amino]butanoate (MDMB-4en-PINACA); methyl 2-  
28 (1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BUTINACA);

29 (l) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-  
30 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group of the carboxylic  
31 acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, quinolinyl, isquinolinyl, cumyl, or  
32 propionaldehyde substituent whether or not further substituted on the phenyl, benzyl, naphthyl,  
33 adamantyl, cyclopropyl, cumyl, quinolinyl, isquinolinyl, or propionaldehyde substituent to any extent  
34 and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
35 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
36 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,  
37 tetrahydropyranylmethyl, benzyl, or halo benzyl group whether or not further substituted on the  
38 indole ring to any extent.

39 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
40 carboxylate (NM2201);

41 ~~(47)~~(45) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI);

42 ~~(48)~~(46) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

43 ~~(49)~~(47) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

44 ~~(50)~~(48) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

45 ~~(51)~~(49) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

46 ~~(52)~~(50) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

47 ~~(53)~~(51) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

48 ~~(54)~~(52) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

- 1        ~~(55)~~(53)        2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- 2        ~~(56)~~(54)        2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- 3        ~~(57)~~(55)        Substituted phenethylamine. Any compound, unless specifically exempt, listed as  
4 a controlled substance in another schedule or an approved FDA drug, structurally derived from  
5 phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say-  
6 -by substitution with a fused methylenedioxy, fused furan, or fused tetrahydrofuran ring system;  
7 by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan,  
8 tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused ring systems from  
9 any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems; whether or not the  
10 compound is further modified in any of the following ways:
- 11                    (a)        By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl,  
12 alkoxy, or alkylthio groups;
- 13                    (b)        By substitution on the 2-position by any alkyl groups; or
- 14                    (c)        By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl, benzyl,  
15 methoxybenzyl, or hydroxybenzyl groups.
- 16                    Some trade and other names: 2-(2,5-dimethoxy-4-  
17 (methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-  
18 dimethoxy-4-iodophenyl)-propan-2-amine (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-  
19 Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-bromoamphetamine); 1-  
20 (4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or 2,5-Dimethoxy-4-chloroamphetamine);  
21 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-  
22 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-4-iodo-2,5-  
23 dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-  
24 Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-2-(3,4,5-  
25 trimethoxyphenyl) (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-methoxybenzyl)phenethylamine); 2-  
26 (4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-  
27 NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-  
28 methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-  
29 tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-Bromo-2,3,4,7,8,9-  
30 hexahydropyran[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY); -(2-Methoxybenzyl)-1-(8-  
31 bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (2C-B-FLY-NBOMe); 1-  
32 (4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-benzodifuranyl-isopropylamine or  
33 bromo-dragonFLY); -(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-  
34 NBOH); 5-(2-Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-  
35 Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-  
36 APDB);
- 37        ~~(58)~~(56)        Substituted tryptamines. Any compound, unless specifically exempt, listed as a  
38 controlled substance in another schedule or an approved FDA drug, structurally derived from 2-(1H-  
39 indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl  
40 or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the  
41 compound is further substituted at the alpha-position with an alkyl group or whether or not further  
42 substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.
- 43                    Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);  
44 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-methyl-N-  
45 ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DIPT); 5-methoxy-N-  
46 methyl-N-isopropyltryptamine (5-MeO-MIPT);
- 47        ~~(59)~~(57)        Naphthalen-1-yl-(4-pentylloxynaphthalen-1-yl)methanone (CB-13);
- 48        ~~(60)~~(58)        N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);
- 49        ~~(61)~~(59)        1-(4-Fluorophenyl)piperazine (pFPP);

- 1        ~~(62)~~(60)     1-(3-Chlorophenyl)piperazine (mCPP);
- 2        ~~(63)~~(61)     1-(4-Methoxyphenyl)piperazine (pMeOPP);
- 3        ~~(64)~~(62)     1,4-Dibenzylpiperazine (DBP);
- 4        ~~(65)~~(63)     Isopentadrone;
- 5        ~~(66)~~(64)     Fluoromethamphetamine;
- 6        ~~(67)~~(65)     Fluoroamphetamine;
- 7        ~~(68)~~(66)     Fluorococaine;
- 8        ~~(69)~~(67)     1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 9        ~~(70)~~(68)     1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-
- 10       22);
- 11       ~~(71)~~(69)     N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide
- 12       (AB-PINACA);
- 13       ~~(72)~~(70)     N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
- 14       carboxamide (5 Fluoro-AB-PINACA);
- 15       ~~(73)~~(71)     N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
- 16       carboxamide (AB-FUBINACA);
- 17       ~~(74)~~(72)     N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide
- 18       (ADB-PINACA (ADBICA));
- 19       ~~(75)~~(73)     N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-
- 20       carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
- 21       ~~(76)~~(74)     N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
- 22       carboxamide (ADB-FUBINACA)."

23            On page 1, after line 16, of the Introduced bill, insert: "

24            **Section 22. That § 34-20G-74 be AMENDED:**

25            **34-20G-74.** In addition to any other penalty under law, a medical cannabis establishment or  
 26            an agent of a medical cannabis establishment who intentionally sells or otherwise transfers cannabis  
 27            in exchange for anything of value to a person other than a cardholder, a nonresident cardholder, a  
 28            person under the age of twenty-one, or to a medical cannabis establishment or its agent is guilty of  
 29            a Class 6 felony. A person convicted under this section may not continue to be affiliated with the  
 30            medical cannabis establishment and is disqualified from any future affiliation with any medical  
 31            cannabis establishment under this chapter."

32            On page 1, after line 16, of the Introduced bill, insert: "

33            **Section 23. That a NEW SECTION be added to title 34:**

34            Terms used in this chapter mean:

35            (1) "Cultivator," an entity licensed pursuant to this chapter that acquires, possesses, cultivates,  
 36            delivers, transfers, transports, supplies, or sells marijuana and related supplies to a marijuana  
 37            facility;

1 (2) "Dispensary," an entity licensed pursuant to this chapter that acquires, possesses, stores,  
 2 delivers, transfers, transports, sells, supplies, or dispenses marijuana, marijuana products, and  
 3 related supplies to a consumer;

4 (3) "Immature plant," a nonflowering marijuana plant that is no taller than twelve inches and  
 5 no wider than twelve inches; is produced from a cutting, clipping, or seedling; and is in a cultivating  
 6 container;

7 (4) "Manufacturer," an entity licensed pursuant to this chapter that acquires, possesses,  
 8 manufactures, delivers, transfers, transports, supplies, or sells marijuana products to a marijuana  
 9 facility;

10 (5) "Marijuana," as defined in § 22-42-1;

11 (6) "Marijuana facility," an entity licensed pursuant to this chapter to cultivate, test,  
 12 manufacture, or dispense marijuana or marijuana products;

13 (7) "Marijuana product," any product infused with marijuana concentrate, as defined in § 22-  
 14 42-1, and intended for use or consumption by humans;

15 (8) "Testing facility," an independent entity registered with the Department of Revenue  
 16 pursuant to this chapter to analyze the safety and potency of marijuana and marijuana products."

17 On page 1, after line 16, of the Introduced bill, insert: "

18 **Section 24. That a NEW SECTION be added to title 34:**

19 Neither the secretary of revenue nor any employee of the Department of Revenue whose duties  
 20 include the licensing of marijuana facilities or regulation of marijuana facility licensees may have  
 21 any interest, financial or otherwise, in the production, transportation, storage, or sale of marijuana  
 22 or marijuana products."

23 On page 1, after line 16, of the Introduced bill, insert: "

24 **Section 25. That a NEW SECTION be added to title 34:**

25 The secretary of revenue shall prescribe the forms for any application for a license provided in  
 26 this chapter. The application must contain information required by the secretary and necessary to  
 27 determine the eligibility of the applicant."

28 On page 1, after line 16, of the Introduced bill, insert: "

29 **Section 26. That a NEW SECTION be added to title 34:**

30 An applicant for a manufacturer, cultivator, or dispensary license under this chapter must  
 31 initially submit the application to the secretary of revenue."

32 On page 1, after line 16, of the Introduced bill, insert: "

33 **Section 27. That a NEW SECTION be added to title 34:**

34 After submitting an application under section 26 of this Act, the applicant for a manufacturer,  
 35 cultivator, or dispensary license shall submit the application to the governing body of the  
 36 municipality in which the applicant intends to operate, or if outside the corporate limits of a  
 37 municipality, to the governing body of the county in which the applicant intends to operate. The  
 38 governing body may charge a reasonable fee that must accompany the application. The license fee  
 39 shall be retained by the local governing body in which the license shall be issued. If the application  
 40 is rejected, the fee shall be promptly returned to the applicant.

1 The governing body may approve the application for a manufacturer, cultivator, or dispensary  
2 if the governing body deemed the applicant and the proposed location suitable."

3 On page 1, after line 16, of the Introduced bill, insert: "

4 **Section 28. That a NEW SECTION be added to title 34:**

5 Any applicant for a manufacturer, cultivator, or dispensary license under this chapter shall  
6 include the applicant's signed affirmation that the premises to be licensed, for the purposes of search  
7 and seizure laws of the state and any ordinances of the county or municipality where the license is  
8 issued, are considered public premises. In addition, the affirmation must state:

9 (1) The premises and all buildings, safes, cabinets, lockers, and storerooms on the premises  
10 are at all times, on demand of the secretary of revenue, the attorney general, or officers charged  
11 with law enforcement in the county or municipality, open to inspection;

12 (2) All of the applicant's records and books dealing with the sale and ownership of marijuana  
13 are open to the persons specified in subdivision (1) for inspection; and

14 (3) The application and license issued on the application is a contract between the applicant  
15 and the state and the county or municipality having jurisdiction, entitling the state and the county  
16 or municipality, for the purpose of enforcing the law, rules, and ordinances, to inspect the applicant's  
17 premises and books at any time."

18 On page 1, after line 16, of the Introduced bill, insert: "

19 **Section 29. That a NEW SECTION be added to title 34:**

20 No license for a marijuana manufacturer, cultivator, or dispensary license may be issued to an  
21 applicant until a public hearing is conducted pursuant to this chapter."

22 On page 1, after line 16, of the Introduced bill, insert: "

23 **Section 30. That a NEW SECTION be added to title 34:**

24 The governing body of any incorporated municipality or county presented with an application  
25 for a manufacturer, cultivator, or dispensary license shall fix the time and place for the governing  
26 body's hearing on the application. The finance officer or county auditor shall publish one notice, at  
27 least one week before the hearing, in the official newspaper of the municipality or county:

28 (1) With the heading "Notice of Hearing Upon Applications for Marijuana Facility;"

29 (2) That states the time and place when and where the applications will be considered; and

30 (3) That states that any person interested in the approval or rejection of any application may  
31 appear and be heard.

32 At the hearing, the body shall consider the application and any support or objection to the  
33 application before making a final decision on the application."

34 On page 1, after line 16, of the Introduced bill, insert: "

35 **Section 31. That a NEW SECTION be added to title 34:**

36 If the governing body of the municipality or county does not approve the application, the  
37 governing body shall endorse on the application the reasons for the denial and return the application  
38 and fee to the applicant. No further application may be received from the applicant until after the  
39 expiration of one year from the date of a denied application. However, if the body denied the  
40 application based on the suitability of the location for the license, no further application may be

1 received from the applicant until after three months from the date of the denied application, if the  
 2 subsequent application is for a different location."

3 On page 1, after line 16, of the Introduced bill, insert: "

4 **Section 32. That a NEW SECTION be added to title 34:**

5 If the governing body of the municipality or county approves the application, the governing  
 6 body shall endorse the approval on the application. The licensee is entitled to operate under the  
 7 license for the succeeding licensing year. The license fee must be deposited in the general fund of  
 8 the municipality or county."

9 On page 1, after line 16, of the Introduced bill, insert: "

10 **Section 33. That a NEW SECTION be added to title 34:**

11 Any manufacturer, cultivator, or dispensary licensee under this chapter shall be a person of  
 12 good moral character and never convicted of a felony. If the licensee is a corporation, the managing  
 13 officers of the corporation must meet the same qualifications."

14 On page 1, after line 16, of the Introduced bill, insert: "

15 **Section 34. That a NEW SECTION be added to title 34:**

16 Any manufacturer, cultivator, or dispensary licensee under this chapter shall be the owner or  
 17 actual lessee of the premises where the business is conducted, and the sole owner of the business  
 18 operated under the license."

19 On page 1, after line 16, of the Introduced bill, insert: "

20 **Section 35. That a NEW SECTION be added to title 34:**

21 The secretary of revenue, in compliance with chapter 1-26, may revoke or suspend any  
 22 manufacturer, cultivator, or dispensary license issued under this chapter upon proof of violation by  
 23 the licensee, by the licensee's agents or employees, or by the manager or contractual operators of  
 24 the cultivator, manufacturer, or dispensary facility or their agents or employees operating under a  
 25 county or municipal license, of:

26 (1) Any provision of this chapter;

27 (2) Any rule promulgated pursuant to this chapter; or

28 (3) Any ordinance or regulation relevant to marijuana control adopted by the political  
 29 subdivision issuing the license.

30 For any licensee with multiple marijuana facility licenses for the same premises, upon  
 31 suspension or revocation of any license pursuant to this chapter for that premises, the licensee shall  
 32 cease operation under all marijuana facility licenses held by the licensee for that same premises for  
 33 the same period as the suspension or revocation."

34 On page 1, after line 16, of the Introduced bill, insert: "

35 **Section 36. That a NEW SECTION be added to title 34:**

36 No dispensary license may be revoked or suspended by the secretary of revenue because of a  
 37 violation of any statute, ordinance, rule, or regulation prohibiting the sale or service of marijuana  
 38 to a person under the age of twenty-one years if the violation was committed by an employee or  
 39 agent of the dispensary licensee and the licensee has not had more than one violation of any statute,  
 40 ordinance, rule, or regulation prohibiting the sale or service of marijuana to a person under the age



1 of twenty-one years on the premises where the violation occurred in the previous twenty-four  
 2 months.

3 If the licensee meets the requirements of the conditions of this section, the secretary shall  
 4 impose a civil penalty of one thousand dollars for a first violation and two thousand dollars for a  
 5 second violation. However, if the employee or agent has not been certified by a nationally recognized  
 6 training program approved by the Department of Revenue that provides instruction on techniques  
 7 to prevent persons under the age of twenty-one years from purchasing or consuming marijuana,  
 8 the secretary shall impose a civil penalty of two thousand dollars for a first violation and four  
 9 thousand dollars for a second violation.

10 A licensee may request an administrative hearing pursuant to chapter 1-26 to contest the  
 11 imposition of a civil penalty.

12 An agent of a dispensary convicted under § 22-42-7 may not continue to be affiliated with a  
 13 dispensary and is disqualified from any future affiliation with any marijuana facility under this  
 14 chapter."

15 On page 1, after line 16, of the Introduced bill, insert: "

16 **Section 37. That a NEW SECTION be added to title 34:**

17 The governing body of a municipality or county may recommend to the secretary of revenue  
 18 following a hearing that any manufacturer, cultivator, or dispensary license issued under this chapter  
 19 be suspended or revoked for violation of any of the provisions of this chapter or for violations of any  
 20 ordinance or regulation of the governing body relevant to marijuana control that occurs on the  
 21 premises of the licensee. Upon receipt of the recommendation, the secretary shall proceed as  
 22 provided in this chapter."

23 On page 1, after line 16, of the Introduced bill, insert: "

24 **Section 38. That a NEW SECTION be added to title 34:**

25 Any action taken by the governing body of a municipality or county pursuant to this chapter  
 26 that requires a public hearing shall be noticed to the licensee, at the address given on the license,  
 27 at least thirty days in advance of the date set for public hearing. The finance officer or the county  
 28 auditor shall publish the notice of hearing in the official newspaper of the municipality or county at  
 29 least one week before the hearing, in a form approved by the governing body."

30 On page 1, after line 16, of the Introduced bill, insert: "

31 **Section 39. That a NEW SECTION be added to title 34:**

32 If the secretary of revenue receives information of a violation by any manufacturer, cultivator,  
 33 or dispensary licensee of any provision of this chapter, the secretary must investigate the alleged  
 34 violation. If there is substantial evidence to support a violation of any provision of this chapter, the  
 35 secretary must proceed in accordance with this chapter."

36 On page 1, after line 16, of the Introduced bill, insert: "

37 **Section 40. That a NEW SECTION be added to title 34:**

38 A manufacturer, cultivator, or dispensary applicant or licensee under this chapter or any  
 39 interested person or governing body has a right to a hearing in relation to any action taken upon  
 40 the application or license. The hearing must occur, under the provisions of chapter 1-26, in the  
 41 municipality or county with jurisdiction over the license."

42 On page 1, after line 16, of the Introduced bill, insert: "

43 **Section 41. That a NEW SECTION be added to title 34:**

1 No manufacturer, cultivator, or dispensary licensee under this chapter, whose license is  
2 revoked, may be granted any license under this chapter for one year after the revocation. If any  
3 relative of any such former licensee or any of the former licensee's employees or former employees,  
4 applies for any such license before the one-year period has elapsed, the license may be granted  
5 only upon affirmative and satisfactory proof that the former licensee has no interest in the business."

6 On page 1, after line 16, of the Introduced bill, insert: "

7 **Section 42. That a NEW SECTION be added to title 34:**

8 Upon service of the secretary of revenue's order for revocation of the cultivator, manufacturer,  
9 or dispensary license on the licensee, all of the licensee's rights under the license terminate, except  
10 in the event of a stay on appeal."

11 On page 1, after line 16, of the Introduced bill, insert: "

12 **Section 43. That a NEW SECTION be added to title 34:**

13 No manufacturer, cultivator, or dispensary license granted pursuant to this chapter may be  
14 issued unless the applicant has first obtained a sales tax license pursuant to chapter 10-45, if  
15 applicable, or a use tax license pursuant to chapter 10-46, if applicable."

16 On page 1, after line 16, of the Introduced bill, insert: "

17 **Section 44. That a NEW SECTION be added to title 34:**

18 The governing body of a municipality or county may, by ordinance, prohibit the locating of  
19 marijuana facilities within its jurisdiction."

20 On page 1, after line 16, of the Introduced bill, insert: "

21 **Section 45. That a NEW SECTION be added to title 34:**

22 Any cultivator, manufacturer, or dispensary licensee or employee of a licensee who is charged  
23 with a felony offense involving a minor, a crime of violence pursuant to subdivision 22-1-2(9), or a  
24 felony drug-related offense, on the licensed premises may, as a condition of bond, be prohibited  
25 from entering onto the licensed premises."

26 On page 1, after line 16, of the Introduced bill, insert: "

27 **Section 46. That a NEW SECTION be added to title 34:**

28 No marijuana facility may employ any person under the age of twenty-one, or any person with  
29 a conviction for a violation of §§ 22-42-2, 22-42-3, 22-42-4, 22-42-4.3, or 22-42-7 within the last  
30 ten years."

31 On page 1, after line 16, of the Introduced bill, insert: "

32 **Section 47. That a NEW SECTION be added to title 34:**

33 All cultivation, manufacturing, and packaging of marijuana or marijuana products must take  
34 place at the licensed premises. The licensed premises may only be accessed by agents of the  
35 marijuana facility, emergency personnel, and adults who are twenty-one years of age and older who  
36 are accompanied by a marijuana facility agent."

37 On page 1, after line 16, of the Introduced bill, insert: "

38 **Section 48. That a NEW SECTION be added to title 34:**

1 A marijuana facility shall implement appropriate security measures designed to deter and  
2 prevent theft of marijuana or marijuana products and unauthorized entrance into any area  
3 containing marijuana or marijuana products."

4 On page 1, after line 16, of the Introduced bill, insert: "

5 **Section 49. That a NEW SECTION be added to title 34:**

6 No person under the age of twenty-one may enter a dispensary. A dispensary shall verify the  
7 age of every person who enters through a valid government-issued identification card. Each  
8 dispensary shall record the name of each person purchasing marijuana or marijuana products from  
9 the dispensary. The records kept by a dispensary pursuant to this section are subject to search only  
10 through a valid search warrant issued by a judicial officer. A dispensary may not sell or otherwise  
11 transfer the records kept pursuant to this section to any person for promotional purposes."

12 On page 1, after line 16, of the Introduced bill, insert: "

13 **Section 50. That a NEW SECTION be added to title 34:**

14 A marijuana facility may not manufacture or dispense marijuana products made in the shape  
15 of a person, animal, insect, fruit, or any other likeness designed to be appealing to a person under  
16 the age of twenty-one."

17 On page 1, after line 16, of the Introduced bill, insert: "

18 **Section 51. That a NEW SECTION be added to title 34:**

19 A cultivator shall cultivate marijuana within a secure, indoor facility out of view of the public."

20 On page 1, after line 16, of the Introduced bill, insert: "

21 **Section 52. That a NEW SECTION be added to title 34:**

22 A marijuana facility may not engage in advertising that:

23 (1) Is false or misleading;

24 (2) Promotes overconsumption of marijuana or marijuana products;

25 (3) Depicts the actual consumption of marijuana or marijuana products;

26 (4) Depicts a person under the age of twenty-one consuming marijuana or marijuana  
27 products;

28 (5) Makes any health, therapeutic, or medicinal claims about marijuana or marijuana products;  
29 or

30 (6) Is designed in a way that is likely to appeal to a person under the age of twenty-one or  
31 includes cartoons, animals, children, or any other likeness to images, characters, or phrases that  
32 are designed in any manner to be appealing or to encourage consumption of marijuana or marijuana  
33 products by a person under the age of twenty-one."

34 On page 1, after line 16, of the Introduced bill, insert: "

35 **Section 53. That a NEW SECTION be added to title 34:**

36 Any person who, in any application, report, or statement, knowingly makes a false statement  
37 as to any matter required by any provision of this chapter or any administrative rule promulgated  
38 pursuant to this chapter is guilty of a Class 6 felony."

1 On page 1, after line 16, of the Introduced bill, insert: "

2 **Section 54. That a NEW SECTION be added to title 34:**

3 It is a Class 1 misdemeanor for any person to purchase or otherwise acquire marijuana or  
4 marijuana products from a dispensary and to give or resell the marijuana or marijuana products to  
5 any person under the age of twenty-one years. A second or subsequent conviction under this section  
6 is a Class 6 felony. This section does not apply to any person registered with the state to undertake  
7 an activity involving the distribution, or possession with intent to distribute, of marijuana or  
8 marijuana products who acts in compliance with the authorizing law."

9 On page 1, after line 16, of the Introduced bill, insert: "

10 **Section 55. That a NEW SECTION be added to title 34:**

11 This chapter does not limit or affect laws that prohibit or otherwise regulate:

12 (1) Possession or consumption of marijuana or marijuana products or possession of marijuana  
13 or marijuana product paraphernalia on the grounds of any preschool, school, in a school bus;

14 (2) Possession or consumption of marijuana or marijuana products on the grounds of any  
15 correctional facility;

16 (3) Consumption of marijuana or marijuana products as part of a criminal penalty diversion  
17 program;

18 (4) Conduct that endangers others; or

19 (5) Undertaking any task under the influence of marijuana or marijuana products, if doing so  
20 would constitute negligence or professional malpractice."

21 On page 1, after line 16, of the Introduced bill, insert: "

22 **Section 56. That a NEW SECTION be added to title 34:**

23 This chapter does not:

24 (1) Require that an employer permit or accommodate conduct allowed by this chapter;

25 (2) Affect an employer's ability to restrict the use of marijuana or marijuana products by  
26 employees;

27 (3) Limit the right of a person who occupies, owns, or controls private property from prohibiting  
28 or otherwise regulating conduct permitted by this chapter on or in that property; or

29 (4) Limit the ability of the state or local government to prohibit or restrict any conduct  
30 otherwise permitted under this chapter within a building owned, leased, or occupied by the state or  
31 local government."

32 On page 1, after line 16, of the Introduced bill, insert: "

33 **Section 57. That a NEW SECTION be added to title 34:**

34 The rights provided by this chapter do not apply to the extent that they conflict with an  
35 employer's obligations under federal law or regulation or to the extent that they would disqualify an  
36 employer from a monetary or licensing-related benefit under federal law or regulation."

37 On page 1, after line 16, of the Introduced bill, insert: "

1 **Section 58. That a NEW SECTION be added to title 34:**

2 The Department of Revenue may promulgate rules pursuant to chapter 1-26:

3 (1) Governing the transportation of marijuana and marijuana products to ensure health, safety,  
 4 and accurate documentation;

5 (2) Governing how the department shall evaluate, register, and revoke the registration of  
 6 testing facilities to ensure the health and safety of consumers of marijuana and marijuana products;

7 (3) Governing marijuana facilities to ensure the health and safety of consumers and prevent  
 8 diversion and theft, including:

9 (a) Oversight requirements;

10 (b) Record-keeping requirements;

11 (c) Security requirements, including lighting, physical security, and alarm requirements;

12 (d) Health and safety regulations, including restrictions on the use of pesticides that are  
 13 injurious to human health;

14 (e) Standards for the manufacture of marijuana products and indoor cultivation of marijuana  
 15 by a cultivator;

16 (f) Requirements for the storage of marijuana and marijuana products;

17 (g) Employment and training requirements, including requiring that each marijuana facility  
 18 create an identification badge for each agent;

19 (h) Standards for the safe manufacture of marijuana products;

20 (i) Procedures for the safe packaging and labeling of marijuana and marijuana products; and

21 (j) Testing requirements for marijuana and marijuana products, certification standards for  
 22 testing facilities, including requirements for equipment and qualifications for personnel;

23 (4) Establishing labeling requirements for marijuana and marijuana products, including  
 24 requiring labels to include the following:

25 (a) The tetrahydrocannabinol concentration level and length of time it typically takes for  
 26 marijuana or a marijuana product to take effect;

27 (b) Disclosing ingredients and possible allergens;

28 (c) A nutritional fact panel; and

29 (d) Requiring that edible marijuana products be clearly identifiable, when practicable, with a  
 30 standard symbol indicating that it contains marijuana;

31 (5) Establishing packaging requirements for marijuana and marijuana products, including that  
 32 packaging be childproof and resealable;

33 (6) Establishing a seed to sale tracking system to ensure that marijuana plants are tracked  
 34 from seeds or from the immature plant stage for immature plants produced from a cutting or clipping  
 35 through cultivation, manufacturing, testing, and packaging before sale in a dispensary; and

1 (7) Establishing a requirement that dispensaries conspicuously post warnings to consumers  
 2 regarding the legal possession limits for marijuana and marijuana products under chapter 22-42  
 3 and establishing:

4 (a) Required language;

5 (b) Sign dimensions, font size, and font type; and

6 (c) Acceptable locations for such signage.

7 A violation of a required or prohibited action under any rule authorized by this section is a  
 8 Class 2 misdemeanor."

9 On page 1, after line 16, of the Introduced bill, insert: "

10 **Section 59. That a NEW SECTION be added to title 34:**

11 If an individual licensee under this title dies, the personal representative of the deceased  
 12 licensee may succeed to all of the rights of the deceased licensee under the license. By operating  
 13 under the license, the personal representative agrees to all of the terms and conditions of the license  
 14 and is subject to all of the liabilities and responsibilities of the licensee. Any bond executed under  
 15 this title includes the personal representative as a principal if the license passes to the personal  
 16 representative."

17 On page 1, after line 16, of the Introduced bill, insert: "

18 **Section 60. That a NEW SECTION be added to title 34:**

19 Any license granted under this title may be transferred to a new location or to another person.  
 20 If the transfer is to another person, the licensee shall show in writing, under oath, that the licensee  
 21 has made a bulk sale of the business operated under the license. The bulk sale may be conditioned  
 22 upon the granting of a transfer of the license. The transferee shall make an application exactly as  
 23 an original applicant, and the application shall be acted upon in the same manner as an original  
 24 application. No transfer of any license to another person may be granted until all taxes incurred by  
 25 the transferor as a result of the operation of the licensed premises, including municipal and state  
 26 sales and use taxes, state reemployment assistance or unemployment insurance tax, or any other  
 27 state tax, are paid or are not delinquent. No transfer of any license to another person may be  
 28 granted until all property taxes which are the liability of the licensee levied on the licensed premises  
 29 are paid or are not delinquent. No transfer of any license may be granted from an Indian tribe  
 30 operating in Indian country controlled by the Indian tribe or from an enrolled tribal member  
 31 operating in Indian country controlled by the enrolled tribal member's tribe until all use tax incurred  
 32 as a result of the operation of the licensed premises by nonmembers, and any other state tax, has  
 33 been remitted or is not delinquent. If the transfer is to a new location, the licensee shall make  
 34 application showing all the relevant facts for the new location. The application shall be acted upon  
 35 in the same manner as an original application. If a license is transferred, a fee of one hundred fifty  
 36 dollars is required to continue the unexpired portion of the license."

37 On page 1, after line 16, of the Introduced bill, insert: "

38 **Section 61. That a NEW SECTION be added to title 34:**

39 Any licensee authorized to conduct marijuana sales, upon termination of the license, may at  
 40 any time within thirty days after the termination of the license sell the whole or any part of the  
 41 marijuana included in the licensee's stock in trade at the time of the termination to any entity  
 42 licensed to sell the marijuana purchased."

43 On page 1, after line 16, of the Introduced bill, insert: "

44 **Section 62. That a NEW SECTION be added to title 34:**

1 The department shall maintain on its public internet website, a directory listing all nationally  
 2 recognized marijuana training programs that are approved by the department. Any licensee making  
 3 a prohibited sale or service of marijuana to a person under the age of twenty-one years has the  
 4 burden of proof to show that the licensee's employees have attended an approved marijuana training  
 5 program to be eligible for any reduction in the penalty imposed for the violation."

6 On page 1, after line 16, of the Introduced bill, insert: "

7 **Section 63. That a NEW SECTION be added to title 34:**

8 If a violation is established in any proceeding under this title, but the secretary determines due  
 9 to the nature and the circumstances of the violation, a suspension of the license is adequate, the  
 10 secretary may, instead of revoking the license, suspend the license for a period not exceeding sixty  
 11 days. During the period of the suspension, the licensee may not exercise any rights or privileges  
 12 under the license. The secretary may, in lieu of suspending or revoking the license, accept a  
 13 monetary settlement of any proceeding under this title. The amount of the settlement may not  
 14 exceed seventy-five thousand dollars. The secretary may also recover the actual costs of  
 15 investigation and prosecution."

16 On page 1, after line 16, of the Introduced bill, insert: "

17 **Section 64.** Provisions of this Act become effective on approval by the voters of an initiated  
 18 measure to legalize possession, use, and distribution of marijuana and marijuana paraphernalia for  
 19 persons twenty-one years of age or older."

1045G

20  
 21 On the previously adopted amendment (1045C), On page 1, line 5, after "Dakota:" delete  
 22 "Section 1. That chapter 10-45 be amended with a NEW SECTION:

23 "

24 On the previously adopted amendment (1045C), On page 1, line 6, after "SECTION:" delete  
 25 "The department shall appropriate may expend so much of the revenue collected pursuant to section  
 26 1 section 4 of this Act to cover the costs incurred by the department in carrying out its duties to  
 27 collect the revenue pursuant to section 1 section 4 of this Act.

28 If the remaining revenue does not exceed ten million dollars in a tax year, the remaining  
 29 revenue must be deposited into the state general fund.

30 If the remaining revenue exceeds ten million dollars in a tax year, fiftyFifty percent of the  
 31 remaining revenue must be divided proportionally amongst the counties based on where the revenue  
 32 was generated. The revenue must be distributed to the county by September first of each year to  
 33 be used for the construction, repair, and renovation of courthouses, jails, county roads, bridges,  
 34 with any revenue not used for these purposes to be used to reduce the property tax levy in the  
 35 county. The remaining fifty percent of revenue must be deposited into the state general fund  
 36 purposes set forth in section 2 of this Act."

37 On the previously adopted amendment (1045C), On page 1, line 20, delete " section 2" and  
 38 insert " section 4"

39 On the previously adopted amendment (1045C), On page 2, line 1, delete "(1) "Average  
 40 Market Rate," the average prices as determined by the department, pursuant to section 4 of this  
 41 Act, based on all marijuana sold or transferred from manufacturers to unaffiliated marijuana  
 42 facilities.

43 (2)" and insert "(1)"

1 On the previously adopted amendment (1045C), On page 2, line 7, delete "(3) "Manufacturer,"  
2 a licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies,  
3 or sells marijuana products to a marijuana facility;

4 (4) "Marijuana facility," an entity licensed to cultivate, test, manufacture, or dispense  
5 marijuana or marijuana products;

6 (5)" and insert "(2)"

7 On the previously adopted amendment (1045C), On page 2, line 13, delete "(6)" and insert  
8 "(3)"

9 On the previously adopted amendment (1045C), On page 2, line 16, delete "(6)" and insert  
10 "(4)"

11 On the previously adopted amendment (1045C), On page 2, line 19, delete "There is hereby  
12 levied an excise tax on the first sale or transfer of unprocessed marijuana by a marijuana cultivation  
13 facility, at a rate of fifteen percent of the average market rate of the unprocessed marijuana if the  
14 transaction is between affiliated marijuana business licensees. There is levied a tax on the first sale  
15 or transfer of unprocessed marijuana by a marijuana cultivation facility, at a rate of fifteen percent  
16 of the contract price for unprocessed marijuana if the transaction is between unaffiliated retail  
17 marijuana business licensees. Marijuana excise tax shall also be calculated as fifteen percent of  
18 the contract price when the first transfer of marijuana that has been harvested for sale at a retail  
19 marijuana store or extraction by a marijuana product manufacturing facility is between unaffiliated  
20 retail marijuana cultivation facilities. The tax shall be imposed at the time when the marijuana  
21 cultivation facility first sells or transfers unprocessed marijuana from the marijuana cultivation  
22 facility to a marijuana product manufacturing facility or a marijuana store. This tax is in lieu of the  
23 tax imposed pursuant to § 10-45-2. The Department shall establish, by rules adopted under chapter  
24 1-26, the method for calculating the average market rate." and insert " There is imposed an excise  
25 tax at the rate of eight and one-half percent on the gross receipts from the sale of marijuana,  
26 marijuana concentrate, and marijuana products by a dispensary. The excise tax imposed under this  
27 chapter does not apply to gross receipts from the sale of marijuana, marijuana concentrate, and  
28 marijuana products to a cardholder as defined in § 34-20G-1(6)."

29 On the previously adopted amendment (1045C), On page 3, line 2, delete "Each manufacturer  
30 liable for the payment of taxes levied under this chapter shall file with the secretary of revenue a  
31 return, on a form prescribed by the secretary, showing the kind and quantity of marijuana  
32 manufactured, received, and in the manufacturer's possession, together with the names of the  
33 persons from whom received, the amount of tax due, and any other information prescribed by the  
34 secretary. The return, covering the period of one calendar month, together with payment of the tax  
35 due, must be transmitted to the Department of Revenue on or before the twenty-fifth day of the  
36 second month following the close of the reporting period. A violation of this section is a Class 1  
37 misdemeanor." and insert " The excise tax revenue collected pursuant to section 3 of this Act must  
38 be divided proportionally amongst the counties based on where the revenue was generated. The  
39 revenue must be distributed to the county by September first of each year to be used for the  
40 purposes set forth in section 1 of this Act."

41 On the previously adopted amendment (1045C), On page 3, line 12, delete "Any manufacturer  
42 required to file returns or reports under this chapter, who fails to file a return or report or pay the  
43 tax when due, is subject to interest and penalty at the rates set forth in § 10-59-6. For reasonable  
44 cause shown, the secretary of revenue may reduce or eliminate the penalty. If any manufacturer  
45 files a false or fraudulent return, an amount equal to the tax evaded, or attempted to be evaded,  
46 shall be added to the tax. Penalty and interest are considered the same as tax for the purposes of  
47 collection and enforcement, including liens, distress warrants, and criminal violations. Any payment  
48 received for taxes, penalty, or interest is applied first to tax, beginning with the oldest delinquency,  
49 then to interest, and then to penalty. No court may enjoin the collection of the tax or civil penalty."  
50 and insert " The excise tax imposed under section 3 of this Act shall be collected and remitted  
51 pursuant to chapter 10-45 and administered pursuant to chapter 10-59"



1 On the previously adopted amendment (1045C), On page 3, line 22, after "penalty." delete  
 2 "Section 7. That a NEW SECTION be added to title 10:

3 "

4 On the previously adopted amendment (1045C), On page 3, line 23, after "10:" delete "Any  
 5 manufacturer liable for the payment of the taxes shall keep, in current and available form on the  
 6 licensed premises, records of all purchases, sales, quantities on hand, and any other information  
 7 the secretary of revenue may prescribe by rule promulgated pursuant to chapter 1-26. The secretary  
 8 of revenue may require from a manufacturer any report necessary to administer the requirements  
 9 of this chapter. The secretary may require the production of any book, record, document, invoice,  
 10 and voucher kept, maintained, received, or issued by the manufacturer in connection with the  
 11 manufacturer's business that, in the judgment of the secretary, may be necessary to administer and  
 12 discharge the secretary's duties, to secure the maximum of revenue to be paid, and to carry out the  
 13 requirements of this chapter. A violation of this section is a Class 1 misdemeanor."

14 On the previously adopted amendment (1045C), On page 35, after line 25, insert: "

15 **Section 62. That chapter 10-52 be amended with a NEW SECTION:**

16 In lieu of any tax imposed under chapter 10-52A, there is imposed an excise tax at the rate of  
 17 five percent on the gross receipts from the sale of marijuana, marijuana concentrate, and marijuana  
 18 products by a dispensary."

19 On the previously adopted amendment (1045C), On page 35, after line 25, insert: "

20 **Section 63. That chapter 10-52 be amended with a NEW SECTION:**

21 The excise tax revenue collected pursuant to section 62 of this Act must be divided  
 22 proportionally amongst the municipalities based on where the revenue was generated. All moneys  
 23 received and collected on behalf of a municipality by the department, pursuant to section 62 of this  
 24 Act, shall be credited to a special municipal tax fund and after deducting the amount of refunds  
 25 made, the amounts necessary to defray the cost of collecting the tax, and the administrative  
 26 expenses incident thereto, shall be paid within thirty days after collection to the municipality entitled  
 27 thereto."

28 On the previously adopted amendment (1045C), On page 35, after line 25, insert: "

29 **Section 64. That chapter 10-45 be amended with a NEW SECTION:**

30 In lieu of any other tax imposed under this chapter, there is imposed an excise tax at the rate  
 31 of one and one-half percent on the gross receipts from the sale of marijuana, marijuana concentrate,  
 32 and marijuana products by a dispensary."

33 On the previously adopted amendment (1045C), On page 35, after line 25, insert: "

34 **Section 65. That chapter 10-45 be amended with a NEW SECTION:**

35 The excise tax revenue collected pursuant to section 64 of this Act must be distributed to the  
 36 marijuana fund."

37 On the previously adopted amendment (1045C), On page 35, after line 25, insert: "

38 **Section 66. That chapter 10-45 be amended with a NEW SECTION:**

39 The excise taxes imposed under sections 3, 62, and 64 of this Act shall be collected and  
 40 remitted pursuant to chapter 10-45 and administered pursuant to chapter 10-59."

41

1 On the previously adopted amendment (1045G), On page 34, line 20, after "representative."  
 2 delete "Section 58. That a NEW SECTION be added to title 34:

3 "

4 On the previously adopted amendment (1045G), On page 34, line 21, after "34:" delete "Any  
 5 license granted under this title may be transferred to a new location or to another person. If the  
 6 transfer is to another person, the licensee shall show in writing, under oath, that the licensee has  
 7 made a bulk sale of the business operated under the license. The bulk sale may be conditioned upon  
 8 the granting of a transfer of the license. The transferee shall make an application exactly as an  
 9 original applicant, and the application shall be acted upon in the same manner as an original  
 10 application. No transfer of any license to another person may be granted until all taxes incurred by  
 11 the transferor as a result of the operation of the licensed premises, including municipal and state  
 12 sales and use taxes, state reemployment assistance or unemployment insurance tax, or any other  
 13 state tax, are paid or are not delinquent. No transfer of any license to another person may be  
 14 granted until all property taxes which are the liability of the licensee levied on the licensed premises  
 15 are paid or are not delinquent. No transfer of any license may be granted from an Indian tribe  
 16 operating in Indian country controlled by the Indian tribe or from an enrolled tribal member  
 17 operating in Indian country controlled by the enrolled tribal member's tribe until all use tax incurred  
 18 as a result of the operation of the licensed premises by nonmembers, and any other state tax, has  
 19 been remitted or is not delinquent. If the transfer is to a new location, the licensee shall make  
 20 application showing all the relevant facts for the new location. The application shall be acted upon  
 21 in the same manner as an original application. If a license is transferred, a fee of one hundred fifty  
 22 dollars is required to continue the unexpired portion of the license."

23 On the previously adopted amendment (1045G), On page 36, line 5, after "section" delete "  
 24 62"

25 On the previously adopted amendment (1045G), On page 36, line 5, after "62 " insert "61 "

26 On the previously adopted amendment (1045G), On page 36, line 8, after "section" delete "  
 27 62"

28 On the previously adopted amendment (1045G), On page 36, line 8, after "62 " insert "61 "

29 On the previously adopted amendment (1045G), On page 36, line 17, after "section" delete "  
 30 64"

31 On the previously adopted amendment (1045G), On page 36, line 17, after "64 " insert "63 "

32 On the previously adopted amendment (1045G), On page 36, line 20, delete " 62" and insert  
 33 " 61"

34 On the previously adopted amendment (1045G), On page 36, line 20, after "and" delete " 64"

35 On the previously adopted amendment (1045G), On page 36, line 20, after "64 " insert "63 "

36 1045I

37 On the previously adopted amendment (1045G), On page 9, line 5, after "place" insert " or  
 38 place of employment"

39 And that as so amended, said bill do pass.

40 Also MR. SPEAKER:

41 The Committee on House Taxation respectfully reports that it has had under consideration  
 42 **HB 1222** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration  
3 **HB 1305 and 1330** which were deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Drew Dennert, Chair

6 **MESSAGES FROM THE SENATE**

7 Mr. SPEAKER:

8 I have the honor to return herewith **HB 1080** which has passed the Senate without change.

9 Also Mr. SPEAKER:

10 I have the honor to transmit herewith **SB 65, 104, 118, 136, 165, 176, and 211** which have  
11 passed the Senate and your favorable consideration is respectfully requested.

12 Respectfully,  
13 Kay Johnson, Secretary

14 **MOTIONS AND RESOLUTIONS**

15 Rep. Reimer moved that **HB 1272** be deferred to Wednesday, February 16, 2022, the 24<sup>th</sup>  
16 legislative day.

17 Which motion prevailed.

18 **SCR 603** was read on February 8, 2022 and today the Speaker waived the referral to  
19 committee, and placed the bill on the calendar of February 16, 2022 the 24<sup>th</sup> legislative day.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Kent Peterson moved that the reports of the Standing Committees on

22 Judiciary on **HB 1052** as found on page 278 of the House Journal; and

23 House Appropriations on **HB 1335** as found on page 277 of the House Journal be adopted.

24 Which motion prevailed and the reports were adopted.

1

---

**FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2

The following bills were read on January 26, 2022, and today the Speaker assigned these bills to committees:

3

4

**HB 1178** was referred to the Committee on Taxation.

5

**HB 1224** was referred to the Committee on Taxation.

6

The Speaker declared that **HB 1159, 1217, 1218, 1220, 1221, and 1245** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

7

8

**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9

**SB 65:** FOR AN ACT ENTITLED, An Act to delineate uses for the South Dakota housing opportunity fund.

10

11

Was read the first time and referred to the House Committee on Appropriations.

12

**SB 104:** FOR AN ACT ENTITLED, An Act to modify certain provisions related to elections for sparse school districts.

13

14

Was read the first time and referred to the Committee on Education.

15

**SB 118:** FOR AN ACT ENTITLED, An Act to establish provisions related to the testing of medical cannabis.

16

17

**SB 136:** FOR AN ACT ENTITLED, An Act to revise and clarify certain processes for emergency detainment related to drug and alcohol abuse.

18

19

Were read the first time and referred to the Committee on Health and Human Services.

20

**SB 165:** FOR AN ACT ENTITLED, An Act to exempt gross receipts of certain coaches from certain gross receipts taxes.

21

22

Was read the first time and referred to the Committee on Taxation.

23

**SB 176:** FOR AN ACT ENTITLED, An Act to revise provisions regarding self-propelled agriculture units.

24

25

Was read the first time and referred to the Committee on Transportation.

26

**SB 211:** FOR AN ACT ENTITLED, An Act to provide statutory COVID-19 vaccine exemptions and to declare an emergency.

27

28

Was read the first time.

1 The following bills were read on January 26, 2022, and today the Speaker assigned these bills  
2 to committees:

3 **SB 17** was referred to the Committee on Commerce and Energy.

4 **SB 4, 21, 23, 26, and 27** were referred to the Committee on Health and Human Services.

5 **SB 14** was referred to the Committee on State Affairs.

6 The following bills were read on January 27, 2022, and today the Speaker assigned these bills  
7 to committees:

8 **SB 12 and 19** were referred to the Committee on Health and Human Services.

9 **SB 16 and 22** were referred to the Committee on Judiciary.

10 **SB 7 and 11** were referred to the Committee on State Affairs.

11 The following bills were read on February 1, 2022, and today the Speaker assigned these bills  
12 to committees:

13 **SB 95** was referred to the Committee on Education.

14 **SB 83** was referred to the Committee on Judiciary.

15 The following bills were read on February 2, 2022, and today the Speaker assigned these bills  
16 to committees:

17 **SB 93** was referred to the Committee on Health and Human Services.

18 **SB 86** was referred to the Committee on Judiciary.

19 The following bills were read on February 3, 2022, and today the Speaker assigned these bills  
20 to committees:

21 **SB 107** was referred to the Committee on Judiciary.

22 **SB 98** was referred to the Committee on State Affairs.

23 The following bill was read on February 4, 2022, and today the Speaker assigned this bill to  
24 committee:

25 **SB 77** was referred to the Committee on Judiciary.

26 The following bills were read on February 8, 2022, and today the Speaker assigned these bills  
27 to committees:

28 **SB 147** was referred to the House Committee on Appropriations.

29 **SB 24** was referred to the Committee on Health and Human Services.

30 **SB 6, and SJR 502** were referred to the Committee on State Affairs.

1 The following bills were read on February 9, 2022, and today the Speaker assigned these bills  
2 to committees:

3 **SB 102** was referred to the House Committee on Appropriations.

4 **SB 20** was referred to the House Committee on Judiciary.

5 The following bills were read on February 10, 2022, and today the Speaker assigned these bills  
6 to committees:

7 **SB 184** was referred to the Committee on Agriculture and Natural Resources.

8 **SB 101** was referred to the Committee on Commerce and Energy.

9 **SECOND READING OF CONSENT CALENDAR ITEMS**

10 Rep. Perry requested that **HB 1153** be removed from the Consent Calendar.

11 Rep. Gosch requested that **HB 1270** be removed from the Consent Calendar.

12 **HB 1087**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding records that  
13 are not open to inspection and copying and deliberations in an executive or closed meeting.

14 **HB 1206**: FOR AN ACT ENTITLED, An Act to establish fees for information provided from the  
15 statewide voter registration file.

16 **HB 1229**: FOR AN ACT ENTITLED, An Act to authorize the formation of corporations and  
17 limited liability companies by physical therapists, occupational therapists, and speech-language  
18 pathologists.

19 **HB 1284**: FOR AN ACT ENTITLED, An Act to increase household income thresholds for a  
20 paraplegic tax reduction.

21 Were read the second time.

22 The question being "Shall **HB 1087, 1206, 1229, and 1284** pass as amended?"

23 And the roll being called:

24 Yeas 67, Nays 0, Excused 3, Absent 0

25 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,  
26 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,  
27 Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,  
28 Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally,  
29 Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt,  
30 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
31 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

32 Excused: Koth, Ernie Otten, and Pourier

33 So the bills having received an affirmative vote of a majority of the members-elect, the Speaker  
34 declared the bills passed and the titles were agreed to.

1

---

**SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2

**HB 1053:** FOR AN ACT ENTITLED, An Act to authorize counties to issue bonds for certain expenditures funded by a gross receipts tax.

3

4

Was read the second time.

5

Speaker Gosch ruled that a two-thirds vote was not necessary because it is not a tax levy on residents.

6

7

Rep. Howard appealed the ruling of the Speaker stating it is a tax if adopted by a county.

8

Rep. Howard's appeal was not supported and the Speaker's ruling was sustained.

9

The question being "Shall **HB 1053** pass as amended?"

10

And the roll being called:

11

Yeas 45, Nays 22, Excused 3, Absent 0

12

Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Cwach, Davis, Dennert, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Healy, Hoffman, Jamison, Kevin Jensen, Keintz, Ladner, Lesmeister, Milstead, Miskimins, Mortenson, Olson, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Reimer, Jamie Smith, Soye, St. John, Stevens, Vasgaard, Weis, Weisgram, Wiese, Wink, York, and Speaker Gosch

13

14

15

16

17

Nays: Aylward, Beal, Chase, Derby, Deutsch, Hansen, Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills, Mulally, Odenbach, Overweg, Rehfeldt, Schneider, Thomason, Tidemann, and Willadsen

18

19

20

Excused: Koth, Ernie Otten, and Pourier

21

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

22

23

**HB 1301:** FOR AN ACT ENTITLED, An Act to revise percentages regarding certain municipal proceeds of gaming revenues.

24

25

Was read the second time.

26

The question being "Shall **HB 1301** pass as amended?"

27

And the roll being called:

28

Yeas 34, Nays 34, Excused 2, Absent 0

29

Yeas: Beal, Chaffee, Dennert, Derby, Deutsch, Drury, Finck, Fitzgerald, Gross, Hansen, Hoffman, Howard, Jamison, Phil Jensen, Keintz, Ladner, Lesmeister, Marty, May, Milstead, Odenbach, Olson, Perry, Pischke, Pourier, Randolph, Reimer, Jamie Smith, Soye, St. John, Thomason, Wiese, Wink, and York

30

31

32

33

Nays: Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Duba, Goodwin, Lana Greenfield, Haugaard, Healy, Kevin Jensen, Chris Johnson, Karr, Mills, Miskimins,

34

1 Mortenson, Mulally, Overweg, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Schneider, Stevens,  
2 Tidemann, Vasgaard, Weis, Weisgram, Willadsen, and Speaker Gosch

3 Excused: Koth and Ernie Otten

4 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
5 elect, the Speaker declared the bill lost.

6 **HB 1176:** FOR AN ACT ENTITLED, An Act to grant immunity from certain liabilities for camping  
7 activities.

8 Was read the second time.

9 The question being "Shall **HB 1176** pass as amended?"

10 And the roll being called:

11 Yeas 54, Nays 14, Excused 2, Absent 0

12 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,  
13 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Gross, Hansen, Haugaard, Healy,  
14 Jamison, Kevin Jensen, Chris Johnson, Keintz, Ladner, Lesmeister, Marty, Miskimins, Mortenson,  
15 Odenbach, Olson, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Rehfeldt, Reimer,  
16 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram,  
17 Wiese, Willadsen, Wink, and York

18 Nays: Fitzgerald, Lana Greenfield, Hoffman, Howard, Phil Jensen, Karr, May, Mills, Milstead,  
19 Mulally, Overweg, Reed, Weis, and Speaker Gosch

20 Excused: Koth and Ernie Otten

21 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
22 declared the bill passed and the title was agreed to.

23 **HB 1163:** FOR AN ACT ENTITLED, An Act to provide for the use of screening instruments in  
24 determining kindergarten readiness.

25 Was read the second time.

26 The question being "Shall **HB 1163** pass as amended?"

27 And the roll being called:

28 Yeas 40, Nays 28, Excused 2, Absent 0

29 Yeas: Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Davis, Derby, Deutsch, Drury, Duba,  
30 Finck, Fitzgerald, Goodwin, Lana Greenfield, Hansen, Healy, Hoffman, Jamison, Kevin Jensen, May,  
31 Milstead, Miskimins, Mortenson, Mulally, Olson, Kent Peterson, Sue Peterson, Pourier, Reed,  
32 Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Thomason, Tidemann, Weisgram, Willadsen,  
33 and Wink



1 Nays: Anderson, Beal, Chase, Cwach, Dennert, Gross, Haugaard, Howard, Phil Jensen, Chris  
2 Johnson, Karr, Keintz, Ladner, Lesmeister, Marty, Mills, Odenbach, Overweg, Perry, Pischke,  
3 Randolph, Soye, Stevens, Vasgaard, Weis, Wiese, York, and Speaker Gosch

4 Excused: Koth and Ernie Otten

5 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
6 declared the bill passed and the title was agreed to.

7 **HB 1012:** FOR AN ACT ENTITLED, An Act to protect students and employees at institutions of  
8 higher education from critical race theory training and orientation.

9 Was read the second time.

10 The question being "Shall **HB 1012** pass as amended?"

11 And the roll being called:

12 Yeas 54, Nays 14, Excused 2, Absent 0

13 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Davis, Dennert, Derby,  
14 Deutsch, Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman,  
15 Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May, Mills,  
16 Milstead, Miskimins, Mortenson, Mulally, Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson,  
17 Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider, Soye, Thomason, Tidemann, Vasgaard, Weis,  
18 Weisgram, Wiese, York, and Speaker Gosch

19 Nays: Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Lesmeister, Olson, Pourier, Jamie Smith,  
20 St. John, Stevens, Willadsen, and Wink

21 Excused: Koth and Ernie Otten

22 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
23 declared the bill passed.

24 The question being on the title.

25 Rep. Dennert moved that the title to **HB 1012** be amended as follows:

26 1012C

27 On page 1, line 1, of the House Education Engrossed bill, delete " critical race theory training  
28 and orientation" and insert " divisive concepts"

29 Which motion prevailed and the title was so amended.

30 **HB 1337:** FOR AN ACT ENTITLED, An Act to to protect elementary and secondary students  
31 from political indoctrination.

32 Was read the second time.

1 The question being "Shall **HB 1337** pass as amended?"

2 And the roll being called:

3 Yeas 50, Nays 18, Excused 2, Absent 0

4 Yeas: Aylward, Bartels, Beal, Blare, Chaffee, Davis, Dennert, Deutsch, Drury, Finck, Fitzgerald,  
5 Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil  
6 Jensen, Chris Johnson, Karr, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally,  
7 Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt,  
8 Reimer, Schneider, Soye, Thomason, Vasgaard, Weis, Weisgram, Wiese, York, and Speaker Gosch

9 Nays: Anderson, Barthel, Bordeaux, Chase, Cwach, Derby, Duba, Healy, Keintz, Lesmeister,  
10 Olson, Pourier, Jamie Smith, St. John, Stevens, Tidemann, Willadsen, and Wink

11 Excused: Koth and Ernie Otten

12 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
13 declared the bill passed and the title was agreed to.

14 Rep. Kent Peterson moved that the balance of the calendar including **HB 1014, 1016, 1017,**  
15 **and 1336** be deferred to Wednesday, February 16, 2022, the 24<sup>th</sup> legislative day.

16 Which motion prevailed.

17 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing  
18 Committees.

## 19 **REPORTS OF STANDING COMMITTEES**

20 MR. SPEAKER:

21 The Committee on House Local Government respectfully reports that it has had under  
22 consideration **HB 1255** and returns the same without recommendation.

23 Respectfully submitted,  
24 Nancy York, Chair

25 MR. SPEAKER:

26 The Committee on House Military and Veterans Affairs respectfully reports that it has had under  
27 consideration **HB 1248** and returns the same with the recommendation that said bill be referred to  
28 the House Committee on Appropriations with a Do Pass recommendation.

29 Respectfully submitted,  
30 Tony Randolph, Chair

1

---

**SIGNING OF BILLS**

2

The Speaker publicly read the title to

3

4

**HB 1080:** FOR AN ACT ENTITLED, An Act to prolong requirements for increasing teacher compensation.

5

And signed the same in the presence of the House.

6

7

Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:59 p.m. the House adjourned.

8

Patricia Miller, Chief Clerk

