

Committee: House Judiciary

Wednesday, February 23, 2022 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Hansen**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 16<sup>TH</sup>**

Moved by: Odenbach  
Second by: Rehfeldt  
Action: Prevailed by voice vote

**SB 1 : codify legislation enacted in 2021.**

Presented by: John McCullough, Code Counsel, Legislative Research Council

**MOTION: DO PASS SB 1**

Moved by: Stevens  
Second by: Reimer  
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Excused: Sue Peterson

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 1 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 2 : publish voter-approved initiated constitutional amendments and initiated measures in the session laws.**

Presented by: John McCullough, Code Counsel, Legislative Research Council

**MOTION: DO PASS SB 2**

Moved by: Stevens  
Second by: Rehfeldt  
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Excused: Sue Peterson

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 2 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 15 :**      **revise provisions providing that certain professions are not subject to discipline for certain conduct relating to medical cannabis.**

Presented by: Senator Jim Stalzer, District 11

Proponents: Ned Horsted, Cannabis Industry Association of SD, Sioux Falls

**MOTION:      DO PASS SB 15**

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 15 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 16 :**      **repeal provisions related to the prosecution, search, seizure, penalty, or discipline of medical cannabis establishments for certain conduct.**

Presented by: Representative Rhonda Milstead, District 9

Proponents: Ryan Dean Flogstad, City of Sioux Falls, Sioux Falls

Staci Ackerman, South Dakota Sheriffs Association, Eureka

Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City

Ned Horsted, Cannabis Industry Association of SD, Sioux Falls

Emmett Reistroffer, Genesis Farms LLC, Sioux Falls

**MOTION:      DO PASS SB 16**

Moved by: Sue Peterson

Second by: Barthel

Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Barthel, Sue Peterson, Reimer, Soye, Stevens, and Hansen

Voting No: Aylward, Cwach, Odenbach, Pischke, Pourier, Rehfeldt, and St. John

**MOTION:      DEFER SB 16 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Pischke

Second by: Aylward

Action: Prevailed by roll call vote (7-5-1-0)

Voting Yes: Aylward, Cwach, Odenbach, Pischke, Pourier, Rehfeldt, and Reimer

Voting No: Barthel, Sue Peterson, Soye, Stevens, and Hansen

Excused: St. John

**SB 20 : revise the medical purpose defense related to the medical use of cannabis.**

Presented by: Representative Rhonda Milstead, District 9

Proponents: Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Pierre  
Emmett Reistroffer, Genesis Farms LLC, Sioux Falls (Handout(s) 1, 2)  
Ned Horsted, Cannabis Industry Association of SD, Sioux Falls  
Liz Tiger, self, Spearfish  
Patrick Lynch, Self, Sioux Falls

Others: Paul Bachand, South Dakota States Attorneys Association, Pierre

**MOTION: DO PASS SB 20**

Moved by: Barthel

Second by: Soye

Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER SB 20 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Pischke

Second by: Aylward

Action: Prevailed by roll call vote (8-5-0-0)

Voting Yes: Aylward, Cwach, Odenbach, Pischke, Pourier, Rehfeldt, Reimer, and St. John

Voting No: Barthel, Sue Peterson, Soye, Stevens, and Hansen

**MOTION: ADJOURN**

Moved by: Odenbach

Second by: Aylward

Action: Prevailed by voice vote

Gail Tennant, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair