

Committee: House Health and Human Services

Tuesday, March 01, 2022 7:45 AM

Roll Call

Present: Rep. Aylward, Rep. Davis, Rep. Healy, Rep. Phil Jensen, Rep. Keintz, Rep. Miskimins, Rep. Perry, Rep. Rehfeldt, Rep. St. John, Rep. Weis, Rep. Wiese, Rep. Deutsch, and Rep. Kevin Jensen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Kevin Jensen**

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 24<sup>TH</sup>**

Moved by: Phil Jensen  
Second by: Perry  
Action: Prevailed by voice vote

**SB 118 : establish provisions related to the testing of medical cannabis.**

Presented by: Senator David Wheeler, District 22  
Proponents: Deb Peters, Cannabis Chem Lab, Dell Rapids  
Others: Matthew Jorgenson, Cannabis Chem Lab, Dell Rapids

**MOTION: DO PASS SB 118**

Moved by: Deutsch  
Second by: Rehfeldt  
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Davis, Healy, Phil Jensen, Keintz, Miskimins, Perry, Rehfeldt, St. John, Weis, Wiese, Deutsch, and Kevin Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 118 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 24 : establish a maximum number of cannabis plants that may be cultivated by a medical cannabis cardholder.**

Presented by: Representative Hugh Bartels, District 5  
Proponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls  
Deb Fischer-Clemens, Avera Health, Sioux Falls  
Others: Melissa Mentele, Self, District 19

**MOTION: DO PASS SB 24**

Moved by: Rehfeldt  
Second by: Aylward  
Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Aylward, Davis, Healy, Keintz, Perry, Rehfeldt, St. John, Weis, and Kevin Jensen

Voting No: Phil Jensen, Miskimins, Wiese, and Deutsch

**SB 136 : revise and clarify certain processes for emergency detainment related to drug and alcohol abuse.**

Presented by: Representative Sydney Davis, District 17

Proponents: Madeline Miller, Avera McKennan, Sioux Falls  
Deb Fischer-Clemens, Avera Health, Sioux Falls  
Terrance Lee Dosch, South Dakota Council of Community Behavioral Health, Pierre

**MOTION: DO PASS SB 136**

Moved by: Perry

Second by: Healy

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

Voting Yes: Aylward, Davis, Healy, Phil Jensen, Keintz, Miskimins, Perry, Rehfeldt, St. John, Weis, Wiese, Deutsch, and Kevin Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 136 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 26 : revise the definition of practitioner for purposes of the medical cannabis program.**

Presented by: Representative Ernie Otten, District 6

Proponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls  
Jennifer Stalley, Boys & Girls Clubs South Dakota Alliance, Watertown  
Jennifer Stalley, South Dakota Nurses Association, Sioux Falls

**MOTION: AMEND SB 26**

26B

On page 4, after line 26, of the Senate Health and Human Services Engrossed bill, insert: "

**Section 2. That § 34-20G-88 be AMENDED:**

**34-20G-88.** Data kept or maintained by the department may be disclosed solely for:

- (1) The verification of a registration certificate or registry identification card pursuant to this chapter;
- (2) Submission of the annual report required by this chapter;
- (3) Notification of state or local law enforcement of an apparent criminal violation of this chapter;
- (4) Notification of state and local law enforcement about falsified or fraudulent information submitted for the purpose of obtaining or renewing a registry identification card; or
- (5) Notification of the ~~South Dakota Board of Medical and Osteopathic Examiners~~ applicable licensing board if there is reason to believe that a practitioner provided a written certification and the department has reason to believe the practitioner otherwise violated the standard of care for evaluating a medical condition."

Moved by: Rehfeldt

Second by: Perry  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 26 AS AMENDED**

Moved by: Davis  
Second by: Rehfeldt  
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Aylward, Davis, Healy, Keintz, Miskimins, Perry, Rehfeldt, St. John, Wiese, and Kevin Jensen

Voting No: Phil Jensen, Weis, and Deutsch

**SB 19 : permit certain facilities to establish reasonable restrictions related to the medical use of cannabis.**

Presented by: Representative Caleb Finck, District 21  
Proponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls  
Terrance Lee Dosch, South Dakota Council of Community Behavioral Health, Pierre  
Dan Cross, Community Support Providers of South Dakota, Spearfish  
Justin G. Smith, South Dakota Association of Youth Care Providers, Sioux Falls  
Brett Hoffman, South Dakota Health Care Association, Sioux Falls

**MOTION: AMEND SB 19**

19D

- On page 2, line 32, of the Senate Engrossed bill, after "facility" insert ", as defined in § 34-12-1. 1"
- On page 2, line 32, of the Senate Engrossed bill, after "facility, " insert "an "
- On page 2, line 33, of the Senate Engrossed bill, after "facility" insert ", as defined in § 34-20A-2"
- On page 2, line 33, of the Senate Engrossed bill, after "facility, " insert "a "
- On page 2, line 34, of the Senate Engrossed bill, after "in" delete " subdivision 27A-1-1(16)"
- On page 2, line 34, of the Senate Engrossed bill, after "27A-1-1(16)" insert " § 27A-1-1"
- On page 2, line 34, of the Senate Engrossed bill, after "27A-1-1(16), " insert "a child welfare agency, as defined in § 26-6-1, "
- On page 2, line 34, of the Senate Engrossed bill, after "or " insert "a "
- On page 4, line 32, of the Senate Engrossed bill, delete "healthcare" and insert " health care"
- On page 4, line 34, of the Senate Engrossed bill, delete "subdivision 27A-1-1(16)" and insert " § 27A-1-1"
- On page 4, line 34, of the Senate Engrossed bill, delete " and" and insert " a child welfare agency, as defined in § 26-6-1,"
- On page 4, line 34, of the Senate Engrossed bill, after "and " insert "or "
- On page 4, line 34, of the Senate Engrossed bill, after "provider" delete " and"
- On page 4, line 34, of the Senate Engrossed bill, after "and " insert "or "

Moved by: Perry  
Second by: Deutsch  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 19 AS AMENDED**

Moved by: Deutsch  
Second by: Miskimins

Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Davis, Healy, Keintz, Miskimins, Perry, Rehfeldt, St. John, Weis, Wiese, Deutsch, and Kevin Jensen

Excused: Phil Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 19 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Perry

Second by: Rehfeldt

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

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/s/ KEVIN D. JENSEN  
Kevin D. Jensen, Chair