

Committee: Senate Health and Human Services Wednesday, February 15, 2023 7:45 AM

Roll Call

Present: Sen. Diedrich, Sen. Reed, Sen. Rohl, Sen. Bordeaux, Sen. Novstrup,
 Sen. Davis, and Sen. Tobin

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Tobin

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 08TH

Moved by: Davis
Second by: Reed
Action: Prevailed by voice vote

SB 177 : provide for the study of developmental disability services and to provide an appropriation therefor.

Presented by: Senator Jack Kolbeck
Proponents: Daniel P. Cross, Community Support Providers of South Dakota, Spearfish
 Michele Powers, Brookings, Self
 Brenda Smith, Sioux Falls, SD, Self

MOTION: REFER SB 177 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS

Moved by: Reed
Second by: Davis
Action: Prevailed by Majority Members Elect (5-0-2-0)

Voting Yes: Diedrich, Reed, Novstrup, Davis, and Tobin

Excused: Rohl and Bordeaux

SB 106 : expand postpartum medicaid coverage.

Presented by: Senator Reynold F. Nesiba

MOTION: TO TABLE SB 106

Moved by: Novstrup
Second by: Davis
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Reed, Rohl, Novstrup, Davis, and Tobin

Excused: Bordeaux

SB 122 : address the potential abuse of opiate and opioid drugs.

Presented by: Senator Julie Frye-Mueller
Proponents: Angelo Valenti, New Jersey, Self

Opponents: Mitchell Rave, Sanford Health, Sioux Falls
Deb Fischer-Clemens, Avera Health, Sioux Falls
Doug Abraham, South Dakota Association of Specialty Care Providers, Rapid City
Lindsey Riter-Rapp, South Dakota Pharmacists Association, Pierre
Justin Bell, South Dakota State Medical Association, Sioux Falls
Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
Paul H. Knecht, South Dakota Dental Association, Pierre

MOTION: DEFER SB 122 TO THE 41ST LEGISLATIVE DAY

Moved by: Davis
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Reed, Rohl, Bordeaux, Novstrup, Davis, and Tobin

SB 125 : prohibit the imposition of additional immunization requirements on children.

Presented by: Senator Julie Frye-Mueller

Proponents: Carla Schanzenbach, Rapid City, SD, Self
Tonchi Weaver, Self, Rapid City
Kathleen Puttmann, self, Colton
Heather Devires, Madison, SD ,Self
Matthew Monfore, Self, Oral (Handout(s) 1)
Mya Olson, Bradley, self
Dr. Monica Wehby, Indiana, Self
Dr. Kirk Milhoan, Hawaii, Self
Dr. John Littell, Florida, Self
Judy A. Mikovitis, California, Self
Sonja VanErdewyk, self, Mitchell
Dr. Richard Urso, Self, Texas
Molly Rutherford, Self, Kentucky

Opponents: Justin Bell, South Dakota State Medical Association, Sioux Falls
Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
Jessica Filler, Associated School Boards of South Dakota, Pierre
Deb Fischer-Clemens, Avera Health, Sioux Falls
Mitchell Rave, Sanford Health, Sioux Falls
Samuel J. Nelson, Economic Development Professionals Association, Mitchell

MOTION: DEFER SB 125 TO THE 41ST LEGISLATIVE DAY

Moved by: Davis
Second by: Reed
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Reed, Rohl, Bordeaux, Novstrup, Davis, and Tobin

The Senate Health and Human Services Committee recessed with the intent to reconvene after the Senate Adjourns.

The Senate Health and Human Services reconvened at 4:15pm.

SB 154 : incentivize a paid family leave incentive program, to make an appropriation therefor, and to declare an emergency.

Presented by: Senator Tim Reed

Proponents: Rachel Oglesby, Governor's Office

Opponents: Justin G. Smith, American Council of Life Insurers, Sioux Falls

MOTION: DEFER SB 154 TO THE 41ST LEGISLATIVE DAY

Moved by: Rohl

Second by: Davis

Action: Prevailed by Majority Members Elect (4-2-1-0)

Voting Yes: Rohl, Novstrup, Davis, and Tobin

Voting No: Reed and Bordeaux

Excused: Diedrich

SB 191 : establish the task force to address the welfare of Indian children in South Dakota.

Presented by: Senator Red Dawn Foster

Proponents: Representative Peri Pourier

Jennifer Hughes, Self, Ogala Sioux Tribe Attorney, W. DC

Alicia Mousseau, Oglala Sioux Tribe, Pine Ridge

Taylor Boboltz, Self, Ogala Tribe Attorney

Others: Pamela Bennett, Department of Social Services

MOTION: DO PASS SB 191

Moved by: Bordeaux

Second by: Rohl

Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Diedrich, Rohl, Bordeaux, Novstrup, and Tobin

Voting No: Reed and Davis

SB 201 : exclude delta-9 tetrahydrocannabinol from felony ingestion charges.

Presented by: Senator Michael H. Rohl

Proponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City

Lisa Nolen, Americans For Prosperity, Sioux Falls

MOTION: AMEND SB 201

On page 1, line 1, of the Introduced bill, delete "exclude delta-9 tetrahydrocannabinol from felony ingestion charges" and insert "provide treatment for the ingestion of controlled substances"

On the Introduced bill, delete everything after the enacting clause and insert:
"

Section 1. That § 22-42-5.1 be AMENDED:

22-42-5.1. No person may knowingly ingest a controlled drug or substance or have a controlled drug or substance in an altered state in the body unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, while acting in the course of the practitioner's professional practice or except as otherwise authorized by chapter 34-20B. ~~A violation of this section for a substance in Schedules I or II is a Class 5 felony. A violation of this section for a substance in Schedules III or IV is a Class 6 felony.~~ A first violation of this section, or a second violation of this section within ten years of a first conviction for, or plea of guilty to, a violation of this section is a Class 1 misdemeanor. A third or subsequent violation of this section within ten years of a first conviction for, or plea of guilty to, a violation of this section is a Class 6 felony.

In determining whether the offense is the second, third, or subsequent violation of this section, the court may not consider any previous conviction for, or plea of guilty to, a violation of this section occurring more than ten years prior to the current violation. In calculating whether the time period provided in this section has elapsed, the court may not include any period of time during which the defendant was incarcerated.

Any person convicted for a violation of this section shall undergo a court-ordered evaluation by an addiction counselor licensed or certified by the South Dakota Board of Addiction and Prevention Professionals pursuant to chapter 36-34, or a licensed or certified health care professional with specialized training in chemical dependency evaluation, to determine if the defendant is chemically dependent. The defendant shall pay the cost of the evaluation. The evaluator shall provide a copy of recommendations from the evaluation to the referring judge."

Moved by: Bordeaux
Second by: Reed
Action: Prevailed by voice vote

MOTION: DO PASS SB 201 AS AMENDED

Moved by: Davis
Second by: Reed
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Reed, Rohl, Bordeaux, Novstrup, Davis, and Tobin

SB 205 : require mental health evaluations for inpatient treatment of controlled substance use.

Presented by: Senator Michael H. Rohl
Proponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls
Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City

MOTION: AMEND SB 205

205B

On page 1, line 1, of the Introduced bill, delete "require mental health evaluations for inpatient treatment of controlled substance use" and insert "reduce the penalty for unlawful possession of a cannabis product and provide exceptions"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 22-42 be amended with a NEW SECTION:

Notwithstanding any other provision of law, unlawful possession of a cannabis product, as defined by subdivision 34-20G-1(3), is a Class 1 misdemeanor, unless the amount of cannabis product unlawfully possessed exceeds one-third of the amount authorized by the Department of Health in rules promulgated pursuant to subdivision 34-20G-72(9), or the cannabis product is unlawfully possessed with the intent to distribute."

Moved by: Bordeaux
Second by: Davis
Action: Prevailed by voice vote

MOTION: DO PASS SB 205 AS AMENDED

Moved by: Reed
Second by: Davis
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Reed, Rohl, Bordeaux, Novstrup, Davis, and Tobin

MOTION: ADJOURN

Moved by: Davis
Second by: Rohl
Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

/s/ ERIN TOBIN
Erin Tobin, Chair