

Committee: SB 134 B Conference Committee

Wednesday, March 08, 2023 4:30 PM

Roll Call

Present: Rep. Drew Peterson, Rep. Sauder, Rep. May, Sen. Steve Kolbeck, Sen. Tobin, and Sen. Duhamel

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Duhamel

SB 134 : revise membership of the Medical Marijuana Oversight Committee.

Proponents: Bryan Walz, Self, Pierre
Rob Allison, Self, Pierre
Representative Fred Deutsch
Senator Jim Mehlhaff

Opponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls

MOTION: AMEND SB 134

134N

On the House Health and Human Services Engrossed bill, delete everything after the enacting clause and insert:

"

Section 1. That § 34-20G-92 be AMENDED:

34-20G-92. The Executive Board of the Legislative Research Council shall appoint an oversight committee ~~comprised of: one member of the House of Representatives, one member of the Senate, one Division of Criminal Investigation agent, one staff member from the Office of the Attorney General, two representatives of law enforcement, one representative from the department, one practitioner with experience in medical cannabis issues, one nurse, one board member or principal officer of a cannabis testing facility, one person with experience in policy development or implementation in the field of medical cannabis, and three qualifying patients consisting of:~~

- (1) Two members of the Senate;
- (2) Two members of the House of Representatives;
- (3) One physician licensed in accordance with chapter 36-4;
- (4) One physician assistant licensed in accordance with chapter 36-4A;
- (5) One certified nurse practitioner licensed in accordance with chapter 36-9A;
- (6) One chief of police for a municipality having a population in excess of fifty-thousand, or a representative of the police department designated by the chief;
- (7) One sheriff of a county or a representative of the sheriff's office designated by the sheriff;
- (8) One professional counselor licensed in accordance with chapter 36-32 or one addiction counselor licensed in accordance with chapter 36-34;
- (9) One qualifying patient; and
- (10) The following nonvoting members:
 - (a) One pharmacist licensed in accordance with chapter 36-11;
 - (b) One representative of the Department of Health; and
 - (c) Two representatives of medical cannabis establishments.

Each appointee shall serve for a term of two years and may be reappointed.

Section 2. That chapter 34-20G be amended with a NEW SECTION:

Beginning in 2023, and every two years thereafter, the oversight committee shall select from among itself one legislator to serve as the chair and one legislator, from the opposite chamber, to serve as the vice chair.

Beginning in 2025, the legislators selected to serve as the chair and vice chair may not be from the same chamber as their immediate predecessors.

Section 3. That § 34-20G-93 be AMENDED:

34-20G-93. The oversight committee shall meet at least two times per year for the purpose of evaluating and making recommendations to the Legislature and the department regarding:

- (1) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical cannabis;
- (2) The effectiveness of the dispensaries and cultivation facilities, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services by dispensaries, the reasonableness of their prices, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the state's registered qualifying patients;
- (3) The effectiveness of the cannabis testing facilities, including whether a sufficient number are operating;
- (4) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the department to ensure that access to and use of cannabis cultivated is provided only to cardholders;
- (5) Any recommended additions or revisions to the department regulations or this chapter, including relating to security, safe handling, labeling, and nomenclature; and
- (6) Any research studies regarding health effects of medical cannabis for patients.

The oversight committee shall ensure that it seeks relevant input from qualifying patients; designated caregivers; school boards and administrators; parents; municipal representatives; state agencies, including the Department of Health, the South Dakota Division of Criminal Investigation, and the Department of Public Safety; and medical cannabis establishments.

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Moved by: Tobin
 Second by: Drew Peterson
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: **AMEND SB 134**

1340

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~~person with experience in policy development or implementation in the field of medical cannabis, and three qualifying patients consisting of:~~

- ~~(1) Two members of the Senate;~~
- ~~(2) Two members of the House of Representatives;~~
- ~~(3) One physician licensed in accordance with chapter 36-4;~~
- ~~(4) One physician assistant licensed in accordance with chapter 36-4A;~~
- ~~(5) One certified nurse practitioner licensed in accordance with chapter 36-9A;~~
- ~~(6) One chief of police for a municipality having a population in excess of fifty-thousand, or a representative of the police department designated by the chief;~~
- ~~(7) One sheriff of a county or a representative of the sheriff's office designated by the sheriff;~~
- ~~(8) One professional counselor licensed in accordance with chapter 36-32 or one addiction counselor licensed in accordance with chapter 36-34; and~~
- ~~(9) One qualifying patient.~~

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Moved by: May
 Second by: Steve Kolbeck
 Action: Prevailed by Majority Members Present (4-2-0-0)

Voting Yes: Sauder, May, Steve Kolbeck, and Duhamel

Voting No: Drew Peterson and Tobin

MOTION: Do recommend the adoption of conference committee report as presented.

Moved by: Steve Kolbeck

Second by: Tobin

Action: Prevailed by Majority Members Present (6-0-0-0)

Voting Yes: Drew Peterson, Sauder, May, Steve Kolbeck, Tobin, and Duhamel

MOTION: ADJOURN

Moved by: Tobin

Second by: Steve Kolbeck

Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair

/s/ LIZ MAY
Liz May, Chair