



2024 South Dakota Legislature

Senate Bill 71

Introduced by: **Senator Mehlhaff**

1 **An Act to remove a prohibition on the ability of law enforcement and various**
 2 **governmental entities to inspect, search, seize, prosecute, or impose**
 3 **disciplinary action on cannabis dispensaries, cultivation facilities,**
 4 **manufacturing facilities, and testing facilities.**

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 **Section 1. That § 34-20G-8 be REPEALED:**

7 ~~No dispensary or a dispensary agent is subject to prosecution, search, or~~
 8 ~~inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty in any~~
 9 ~~manner; or may be denied any right or privilege, including civil penalty or disciplinary~~
 10 ~~action by a court or business licensing board or entity, for acting in accordance with this~~
 11 ~~chapter to:~~

12 ~~(1) Possess, transport, or store cannabis or cannabis products;~~

13 ~~(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a~~
 14 ~~testing facility for services provided;~~

15 ~~(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of~~
 16 ~~value is exchanged in return;~~

17 ~~(4) Purchase or otherwise acquire cannabis from a cultivation facility or dispensary,~~
 18 ~~and cannabis products from cannabis product manufacturing facility or dispensary;~~
 19 ~~and~~

20 ~~(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis~~
 21 ~~paraphernalia, or related supplies or educational materials to a cardholder,~~
 22 ~~nonresident cardholder, or dispensary.~~

23 **Section 2. That § 34-20G-9 be REPEALED:**

24 ~~No cultivation facility or a cultivation facility agent is subject to prosecution, search,~~
 25 ~~or inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty of~~

1 any kind, or may be denied any right or privilege, including civil penalty or disciplinary
2 action by a court or business licensing board or entity, for acting in accordance with this
3 chapter to:

- 4 ~~(1) Possess, plant, propagate, cultivate, grow, harvest, produce, process,~~
5 ~~manufacture, compound, convert, prepare, pack, repack, or store cannabis;~~
- 6 ~~(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a~~
7 ~~testing facility for services provided;~~
- 8 ~~(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of~~
9 ~~value is exchanged in return;~~
- 10 ~~(4) Purchase or otherwise acquire cannabis from a cultivation facility;~~
- 11 ~~(5) Purchase cannabis seeds from a cardholder, nonresident cardholder, or the~~
12 ~~equivalent of a medical cannabis establishment that is registered in another~~
13 ~~jurisdiction; or~~
- 14 ~~(6) Deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or~~
15 ~~related supplies or educational materials to a cultivation facility and dispensary.~~

16 **Section 3. That § 34-20G-10 be REPEALED:**

17 No cannabis product manufacturing facility or a cannabis product manufacturing
18 facility agent is subject to prosecution, search, or inspection, except by the department
19 pursuant to ~~§ 34-20G-69~~, seizure, or penalty of any kind, or may be denied any right or
20 privilege, including civil penalty or disciplinary action by a court or business licensing board
21 or entity, for acting in accordance with this chapter to:

- 22 ~~(1) Purchase or otherwise acquire cannabis from cultivation facility, and cannabis~~
23 ~~products or cannabis from a cannabis product manufacturing facility;~~
- 24 ~~(2) Possess, produce, process, manufacture, compound, convert, prepare, pack,~~
25 ~~repack, and store cannabis or cannabis products;~~
- 26 ~~(3) Deliver, transfer, or transport cannabis, cannabis products, cannabis~~
27 ~~paraphernalia, or related supplies or educational materials to a dispensary or~~
28 ~~cannabis product manufacturing facility;~~
- 29 ~~(4) Deliver, transfer, or transport cannabis to testing facility and compensate testing~~
30 ~~facility for services provided; or~~
- 31 ~~(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis~~
32 ~~paraphernalia, or related supplies or educational materials to a cannabis product~~
33 ~~manufacturing facility or dispensary.~~

1 **Section 4. That § 34-20G-11 be REPEALED:**

2 ~~No testing facility or testing facility agent is subject to prosecution, search, or~~
3 ~~inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty in any~~
4 ~~manner, or may be denied any right or privilege, including civil penalty or disciplinary~~
5 ~~action by a court or business licensing board or entity, for acting in accordance with this~~
6 ~~chapter to:~~

7 ~~(1) Acquire, possess, transport, and store cannabis or cannabis products obtained from~~
8 ~~a cardholder, nonresident cardholder or medical cannabis establishment;~~

9 ~~(2) Return the cannabis or cannabis products to a cardholder, nonresident cardholder,~~
10 ~~or medical cannabis establishment from whom it was obtained;~~

11 ~~(3) Test cannabis, including for potency, pesticides, mold, or contaminants; or~~

12 ~~(4) Receive compensation for services under this section.~~

13 **Section 5. That § 34-20G-16 be REPEALED:**

14 ~~No law enforcement officer employed by an agency that receives state or local~~
15 ~~government funds may expend any state or local resources, including the officer's time,~~
16 ~~to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis~~
17 ~~of activity the officer believes to constitute a violation of the federal Controlled Substances~~
18 ~~Act, 21 U.S.C. § 801 et seq., if the officer has reason to believe that the activity is in~~
19 ~~compliance with this chapter. No officer may expend any state or local resources,~~
20 ~~including the officer's time, to provide any information or logistical support related to any~~
21 ~~activity to any federal law enforcement authority or prosecuting entity.~~