2024 South Dakota Legislature

Senate Bill 71

Introduced by: Senator Mehlhaff

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

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

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 That § 34-20G-8 be REPEALED:

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

(1) Possess, transport, or store cannabis or cannabis products;
(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing facility for services provided;
(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;
(4) Purchase or otherwise acquire cannabis from a cultivation facility or dispensary, and cannabis products from cannabis product manufacturing facility or dispensary; and
(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis paraphernalia, or related supplies or educational materials to a cardholder, nonresident cardholder, or dispensary.

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 That § 34-20G-9 be REPEALED:

No cultivation facility or a cultivation facility agent is subject to prosecution, search, or inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty of
any kind, or may be denied any right or privilege, including civil penalty or disciplinary
action by a court or business licensing board or entity, for acting in accordance with this
chapter to:
(1) Possess, plant, propagate, cultivate, grow, harvest, produce, process,
manufacture, compound, convert, prepare, pack, repack, or store cannabis;
(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a
testing facility for services provided;
(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of
value is exchanged in return;
(4) Purchase or otherwise acquire cannabis from a cultivation facility;
(5) Purchase cannabis seeds from a cardholder, nonresident cardholder, or the
equivalent of a medical cannabis establishment that is registered in another
jurisdiction; or
(6) Deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or
related supplies or educational materials to a cultivation facility and dispensary.

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

No cannabis product manufacturing facility or a cannabis product manufacturing
facility agent is subject to prosecution, search, or inspection, except by the department
pursuant to § 34-20G-69, seizure, or penalty of any kind, or may be denied any right or
privilege, including civil penalty or disciplinary action by a court or business licensing board
or entity, for acting in accordance with this chapter to:
(1) Purchase or otherwise acquire cannabis from cultivation facility, and cannabis
products or cannabis from a cannabis product manufacturing facility;
(2) Possess, produce, process, manufacture, compound, convert, prepare, pack,
repack, and store cannabis or cannabis products;
(3) Deliver, transfer, or transport cannabis, cannabis products, cannabis
paraphernalia, or related supplies or educational materials to a dispensary or
cannabis product manufacturing facility;
(4) Deliver, transfer, or transport cannabis to testing facility and compensate testing
facility for services provided; or
(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis
paraphernalia, or related supplies or educational materials to a cannabis product
manufacturing facility or dispensary.
Section 4. That § 34-20G-11 be REPEALED:

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

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

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

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

(4) Receive compensation for services under this section.

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

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