



2024 South Dakota Legislature

House Bill 1146

Introduced by: **Representative Mulder**

1 **An Act to regulate the sale of certain cannabis-infused beverages.**

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

3 **Section 1. That a NEW SECTION be added to chapter 35-4:**

4 Unless otherwise allowed under chapter 34-20G, no cannabis-infused beverage
 5 may be sold to a retailer licensed under this chapter or licensed under chapter 10-45
 6 unless:

- 7 (1) The seller is a wholesaler licensed under this chapter; and
 8 (2) The tetrahydrocannabinol concentration of the beverage is no greater than three-
 9 tenths of one percent.

10 **Section 2. That a NEW SECTION be added to chapter 35-4:**

11 Unless otherwise allowed under chapter 34-20G, no cannabis-infused beverage
 12 may be sold in a retail sale to a consumer unless the retailer is licensed pursuant to this
 13 chapter and:

- 14 (1) The retail sale occurs on the premises of an off-sale or on-sale establishment;
 15 (2) The consumer is at least twenty-one years of age; and
 16 (3) The tetrahydrocannabinol concentration of the beverage is no greater than three-
 17 tenths of one percent.

18 A violation of this section is a Class 2 misdemeanor.