

## 2024 South Dakota Legislature

**Senate Bill 219****AMENDMENT 219B  
FOR THE SENATE LOCAL GOVERNMENT ENGROSSED BILL**

1 **An Act to modify provisions related to the control of counties and municipalities over**  
2 **medical marijuana establishments within their jurisdictions.**

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

4 **Section 1. That § 34-20G-56 be AMENDED:**

5 **34-20G-56.** ~~If a local government~~ the governing body of a county has enacted a  
6 numerical limit on the number of medical cannabis establishments in the ~~locality~~ county  
7 and a greater number of applicants seek registration, the department shall solicit and  
8 consider input from the ~~local government~~ county as to its preference for registration.

9 If the governing body of a municipality has enacted a numerical limit on the number  
10 of medical cannabis establishments in the municipality, and a greater number of applicants  
11 seek registration, the department shall solicit and consider input from the municipality as  
12 to its preference for registration.

13 **Section 2. That § 34-20G-58 be AMENDED:**

14 **34-20G-58.** ~~A local government~~ The governing body of a municipality may enact  
15 an ordinance, ~~z~~ not in conflict with this chapter, ~~governing the~~ regardless of whether it has  
16 enacted a zoning ordinance pursuant to title 11, imposing:

17 (1) Restrictions on a medical cannabis establishment to govern the time, place, and  
18 manner, and number of operation;

19 (2) A limit on the number of medical cannabis establishments in the ~~locality~~  
20 municipality;

21 (3) Reasonable setback requirements; ~~or~~

22 (4) Limitations on the proximity of a medical cannabis establishment to:

23 (a) Any sensitive land-use area, including a childcare facility, park, public  
24 service facility, recreational facility, religious facility, school, and any  
25 location frequented by individuals under the age of twenty-one; or

- 1           (b) Any other medical cannabis establishment;
- 2           ~~(5) Requirements for a medical cannabis establishment to obtain a local license,~~
- 3           ~~permit, or registration to operate; or~~
- 4           ~~(6) Reasonable fees for any local license, permit, or registration.~~

5           The governing body of a county may enact an ordinance governing all matters set  
 6           forth in this section. The county ordinance applies throughout its jurisdiction, except within  
 7           the boundaries of a municipality that has enacted an ordinance in accordance with this  
 8           section.

9           ~~A local government county or municipality may establish impose a civil penalties~~  
 10          ~~penalty for the violation of an ordinance governing the time, place, and manner of a~~  
 11          ~~medical cannabis establishment that may operate in the locality enacted in accordance~~  
 12          ~~with this section.~~

13          **Section 3. That § 34-20G-59 be AMENDED:**

14           **34-20G-59.** ~~No local government county or municipality may prohibit a~~  
 15          ~~dispensary, either expressly or through the enactment of an ordinance that makes the~~  
 16          ~~operation of the dispensary impracticable in the jurisdiction county or municipality.~~

17          ~~**Section 4. That § 34-20G-60 be AMENDED:**~~

18          ~~**34-20G-60.** A local government~~The governing body of a county or municipality may require  
 19          ~~a medical cannabis establishment to obtain a local license, permit, or registration to operate,~~  
 20          ~~and may charge a reasonable fee for the local license, permit, or registration. The governing~~  
 21          ~~body of a county or municipality may not require a medical cannabis establishment to obtain~~  
 22          ~~more than one local license, permit, or registration to operate a single establishment location.~~

23          **Section 4. That § 34-20G-58.1 be REPEALED.**

24           ~~For purposes of this chapter, any municipality that has not enacted a zoning~~  
 25          ~~ordinance pursuant to title 11 governing the location of medical cannabis establishments~~  
 26          ~~may enact an ordinance to regulate the place of operation of any cannabis-related~~  
 27          ~~establishment under this section.~~

28           ~~A municipality may prohibit the location of a medical cannabis establishment in an~~  
 29          ~~area in a sensitive land use area and may establish reasonable setbacks. For purposes of~~  
 30          ~~this section, a sensitive land use area includes churches, schools, day cares, public service~~  
 31          ~~and recreation facilities, places frequented by people under age twenty one, and parks.~~

1           ~~A municipality may require a minimum distance between cannabis-related~~  
2           ~~establishments.~~

3           **Section 5. That § 34-20G-60 be REPEALED.**

4           ~~A local government may require a medical cannabis establishment to obtain a local~~  
5           ~~license, permit, or registration to operate, and may charge a reasonable fee for the local~~  
6           ~~license, permit, or registration.~~

AMENDED