



2024 South Dakota Legislature
Senate Bill 219
ENROLLED

AN ACT

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

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

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

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

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

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

34-20G-58. The governing body of a municipality may enact an ordinance not in conflict with this chapter, regardless of whether it has enacted a zoning ordinance pursuant to title 11, imposing:

- (1) Restrictions on a medical cannabis establishment to govern the time, place, and manner of operation;
- (2) A limit on the number of medical cannabis establishments in the municipality;
- (3) Reasonable setback requirements;
- (4) Limitations on the proximity of a medical cannabis establishment to:
 - (a) Any sensitive land-use area, including a childcare facility, park, public service facility, recreational facility, religious facility, school, and any location frequented by individuals under the age of twenty-one; or

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

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

A county or municipality may impose a civil penalty for the violation of an ordinance enacted in accordance with this section.

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

34-20G-59. No county or municipality may prohibit a dispensary, either expressly or through the enactment of an ordinance that makes the operation of the dispensary impracticable in the county or municipality.

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

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

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

I certify that the attached Act originated in
the:
Senate as Bill No. 219

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 219
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State