



## 2025 South Dakota Legislature

# House Bill 1101

Introduced by: **Representative Ismay**

1 **An Act to repeal provisions related to medical marijuana.**

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

3 **Section 1. That § 34-20E-2 be AMENDED:**

4 **34-20E-2.** The board shall establish and maintain a prescription drug monitoring  
 5 program to monitor the prescribing and dispensing of all controlled substances. The  
 6 program ~~shall~~ must utilize a central repository, to which each dispenser shall submit, by  
 7 electronic means, information regarding each prescription dispensed for a controlled  
 8 substance. The information submitted for each prescription must include specifically  
 9 identified data elements adopted by the board and contained in the 2011 ~~version of the~~  
 10 ~~electronic reporting standard for prescription monitoring programs, version 4.2 of the~~  
 11 ~~American Society for Automation in Pharmacy.~~

12 ~~The program must include the names of qualifying patients who receive a registry~~  
 13 ~~identification card, as defined in § 34-20G-1, submitted by the Department of Health~~  
 14 American Society for Automation in Pharmacy Version 4.2 Standard for Prescription Drug  
 15 Monitoring Programs.

16 **Section 2. That § 34-20G-1 be REPEALED.**

17 ~~—Terms used in this chapter mean:~~

18 (1) ~~—~~ "Allowable amount of cannabis,":

19 (a) ~~—~~ Three ounces of cannabis or less;

20 (b) ~~—~~ The quantity of cannabis products as established by rules promulgated by  
 21 the department under § 34-20G-72;

22 (c) ~~—~~ If the cardholder has a registry identification card allowing cultivation, two  
 23 flowering cannabis plants and two cannabis plants that are not flowering;  
 24 and

- 1           ~~(d) — If the cardholder has a registry identification card allowing cultivation, the~~  
2           ~~amount of cannabis and cannabis products that were produced from the~~  
3           ~~cardholder's allowable plants, if the cannabis and cannabis products are~~  
4           ~~possessed at the same property where the plants were cultivated;~~
- 5       ~~(2) — "Bona fide practitioner-patient relationship," a treatment or consulting relationship~~  
6       ~~between a practitioner and patient, during which:~~
- 7           ~~(a) — The practitioner completes, at the initial visit, an assessment of the patient's~~  
8           ~~medical history and current medical condition, including an appropriate in-~~  
9           ~~person physical examination;~~
- 10          ~~(b) — The patient is under the practitioner's care for the debilitating medical~~  
11          ~~condition that qualifies the patient for the medical use of cannabis or has~~  
12          ~~been referred by the practitioner caring for the patient's debilitating medical~~  
13          ~~condition that qualifies the patient for the medical use of cannabis to~~  
14          ~~another practitioner;~~
- 15          ~~(c) — The patient has a reasonable expectation that the practitioner providing the~~  
16          ~~written certification will continue to provide follow-up care to the patient to~~  
17          ~~monitor the medical use of cannabis; and~~
- 18          ~~(d) — The relationship is not for the sole purpose of providing a written~~  
19          ~~certification for the medical use of cannabis unless the patient has been~~  
20          ~~referred by a practitioner providing care for the debilitating medical~~  
21          ~~condition that qualifies the patient for the medical use of cannabis;~~
- 22       ~~(3) — "Cannabis products," any concentrated cannabis, cannabis extracts, and products~~  
23       ~~that are infused with cannabis or an extract thereof, and are intended for use or~~  
24       ~~consumption by humans. The term includes edible cannabis products, beverages,~~  
25       ~~topical products, ointments, oils, and tinctures;~~
- 26       ~~(4) — "Cannabis product manufacturing facility," an entity registered with the~~  
27       ~~department pursuant to this chapter that acquires, possesses, manufactures,~~  
28       ~~delivers, transfers, transports, supplies, or sells cannabis products to a medical~~  
29       ~~cannabis dispensary;~~
- 30       ~~(5) — "Cannabis testing facility" or "testing facility," an independent entity registered~~  
31       ~~with the department pursuant to this chapter to analyze the safety and potency of~~  
32       ~~cannabis;~~
- 33       ~~(6) — "Cardholder," a qualifying patient or a designated caregiver who has been issued~~  
34       ~~and possesses a valid registry identification card;~~

- 1 ~~(7) — "Cultivation facility," an entity registered with the department pursuant to this~~  
2 ~~chapter that acquires, possesses, cultivates, delivers, transfers, transports,~~  
3 ~~supplies, or sells cannabis and related supplies to a medical cannabis~~  
4 ~~establishment;~~
- 5 ~~(8) — "Debilitating medical condition,":~~  
6 ~~(a) — A chronic or debilitating disease or medical condition or its treatment that~~  
7 ~~produces one or more of the following: cachexia or wasting syndrome;~~  
8 ~~severe, debilitating pain; severe nausea, except nausea associated with~~  
9 ~~pregnancy; seizures; or severe and persistent muscle spasms;~~  
10 ~~(b) — Acquired immune deficiency syndrome or positive status for human~~  
11 ~~immunodeficiency virus;~~  
12 ~~(c) — Amyotrophic lateral sclerosis;~~  
13 ~~(d) — Multiple sclerosis;~~  
14 ~~(e) — Cancer or its treatment, if associated with severe or chronic pain, nausea~~  
15 ~~or severe vomiting, or cachexia or severe wasting;~~  
16 ~~(f) — Crohn's disease;~~  
17 ~~(g) — Epilepsy and seizures; or~~  
18 ~~(h) — Post-traumatic stress disorder;~~
- 19 ~~(9) — "Department," the Department of Health;~~
- 20 ~~(10) — "Designated caregiver," an individual who:~~  
21 ~~(a) — Is at least twenty one years of age;~~  
22 ~~(b) — Has agreed to assist with a qualifying patient's medical use of cannabis;~~  
23 ~~(c) — Has not been convicted of a disqualifying felony offense; and~~  
24 ~~(d) — Assists no more than five qualifying patients with the medical use of~~  
25 ~~cannabis, unless the designated caregiver's qualifying patients each reside~~  
26 ~~in or are admitted to a health care facility, as defined in § 34-12-1.1, an~~  
27 ~~accredited prevention or treatment facility, as defined in § 34-20A-2, a~~  
28 ~~mental health center, as defined in § 27A-1-1, a child welfare agency, as~~  
29 ~~defined in § 26-6-1, or a community support provider or community~~  
30 ~~services provider, as defined in § 27B-1-17, where the designated caregiver~~  
31 ~~is employed;~~
- 32 ~~(11) — "Disqualifying felony offense," a violent crime that was classified as a felony in the~~  
33 ~~jurisdiction where the person was convicted;~~
- 34 ~~(12) — "Edible cannabis products," any product that:~~  
35 ~~(a) — Contains or is infused with cannabis or an extract thereof;~~

- 1                   (b) ~~— Is intended for human consumption by oral ingestion; and~~
- 2                   (c) ~~— Is presented in the form of foodstuffs, beverages, oils, tinctures, or other~~
- 3                                 ~~similar products;~~
- 4   (13) ~~— "Enclosed, locked facility," any closet, room, greenhouse, building, or other~~
- 5                   ~~enclosed area that is equipped with locks or other security devices that permit~~
- 6                   ~~access only by a cardholder or a person allowed to cultivate the plants. Two or~~
- 7                   ~~more cardholders who reside in the same dwelling may share one enclosed, locked~~
- 8                   ~~facility for cultivation;~~
- 9   (14) ~~— "Flowering cannabis plant," the reproductive state of the cannabis plant in which~~
- 10                   ~~the plant shows physical signs of flower budding out of the nodes of the stem;~~
- 11   (15) ~~— "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;~~
- 12   (16) ~~— "Medical cannabis dispensary" or "dispensary," an entity registered with the~~
- 13                   ~~department pursuant to this chapter that acquires, possesses, stores, delivers,~~
- 14                   ~~transfers, transports, sells, supplies, or dispenses cannabis, cannabis products,~~
- 15                   ~~paraphernalia, or related supplies and educational materials to cardholders;~~
- 16   (17) ~~— "Medical cannabis establishment," a cultivation facility, a cannabis testing facility,~~
- 17                   ~~a cannabis product manufacturing facility, or a dispensary;~~
- 18   (18) ~~— "Medical cannabis establishment agent," an owner, officer, board member,~~
- 19                   ~~employee, or volunteer at a medical cannabis establishment;~~
- 20   (19) ~~— "Medical use," includes the acquisition, administration, cultivation, manufacture,~~
- 21                   ~~delivery, harvest, possession, preparation, transfer, transportation, or use of~~
- 22                   ~~cannabis or paraphernalia relating to the administration of cannabis to treat or~~
- 23                   ~~alleviate a registered qualifying patient's debilitating medical condition or symptom~~
- 24                   ~~associated with the patient's debilitating medical condition. The term does not~~
- 25                   ~~include:~~
- 26                   (a) ~~— The cultivation of cannabis by a nonresident cardholder;~~
- 27                   (b) ~~— The cultivation of cannabis by a cardholder who is not designated as being~~
- 28                                 ~~allowed to cultivate on the cardholder's registry identification card; or~~
- 29                   (c) ~~— The extraction of resin from cannabis by solvent extraction unless the~~
- 30                                 ~~extraction is done by a cannabis product manufacturing facility;~~
- 31   (20) ~~— "Nonresident cardholder," a person who:~~
- 32                   (a) ~~— Has been diagnosed with a debilitating medical condition, or is the parent,~~
- 33                                 ~~guardian, conservator, or other person with authority to consent to the~~
- 34                                 ~~medical treatment of a person who has been diagnosed with a debilitating~~
- 35                                 ~~medical condition;~~

- 1           ~~(b) — Is not a resident of this state or who has been a resident of this state for~~  
 2           ~~fewer than forty five days;~~
- 3           ~~(c) — Was issued a currently valid registry identification card or its equivalent by~~  
 4           ~~another state, district, territory, commonwealth, insular possession of the~~  
 5           ~~United States, or country recognized by the United States that allows the~~  
 6           ~~person to use cannabis for medical purposes in the jurisdiction of issuance;~~  
 7           ~~and~~
- 8           ~~(d) — Has submitted any documentation required by the department, and has~~  
 9           ~~received confirmation of registration;~~
- 10          ~~(21) — "Practitioner," a physician, physician assistant, or advanced practice registered~~  
 11          ~~nurse, who is licensed with authority to prescribe drugs to humans. In relation to~~  
 12          ~~a nonresident cardholder, the term means a person who is licensed with authority~~  
 13          ~~to prescribe drugs to humans in the state of the patient's residence;~~
- 14          ~~(22) — "Qualifying patient," a person who has been diagnosed by a practitioner as having~~  
 15          ~~a debilitating medical condition;~~
- 16          ~~(23) — "Registry identification card," a document issued by the department that identifies~~  
 17          ~~a person as a registered qualifying patient or registered designated caregiver, or~~  
 18          ~~documentation that is deemed a registry identification card pursuant to §§ 34-20G-~~  
 19          ~~29 to 34-20G-42, inclusive;~~
- 20          ~~(24) — "Safety sensitive job," any position with tasks or duties that an employer~~  
 21          ~~reasonably believes could:~~
- 22                  ~~(a) — Cause the illness, injury, or death of an individual; or~~  
 23                  ~~(b) — Result in serious property damage;~~
- 24          ~~(25) — "Under the influence of cannabis," any abnormal mental or physical condition that~~  
 25          ~~tends to deprive a person of clearness of intellect and control that the person would~~  
 26          ~~otherwise possess, as the result of consuming any degree of cannabis or cannabis~~  
 27          ~~products; and~~
- 28          ~~(26) — "Written certification," a document dated and signed by a practitioner:~~
- 29                  ~~(a) — Stating that the patient has a qualifying debilitating medical condition or~~  
 30                  ~~symptom associated with the debilitating medical condition;~~
- 31                  ~~(b) — Affirming that the document is made in the course of a bona fide~~  
 32                  ~~practitioner-patient relationship;~~
- 33                  ~~(c) — Specifying the qualifying patient's debilitating medical condition; and~~
- 34                  ~~(d) — Specifying the expiration date of the qualifying patient's written~~  
 35                  ~~certification, pursuant to § 34-20G-43; and~~

1           ~~(e) Specifying whether the practitioner has previously issued the patient a~~  
2           ~~written certification and the date of that written certification.~~

3   **Section 3. That § 34-20G-2 be REPEALED.**

4           ~~A cardholder is not subject to arrest, prosecution, or penalty of any kind, or denial~~  
5           ~~of any right or privilege, including any civil penalty or disciplinary action by a court or~~  
6           ~~occupational or professional licensing board or bureau, for:~~

7           ~~(1) The medical use of cannabis in accordance with this chapter, if the cardholder does~~  
8           ~~not possess more than the allowable amount of cannabis, and if any cannabis plant~~  
9           ~~is either cultivated in an enclosed, locked facility or is being transported;~~

10          ~~(2) Reimbursement by a registered qualifying patient to the patient's registered~~  
11          ~~designated caregiver for direct costs incurred by the registered designated~~  
12          ~~caregiver for assisting with the registered qualifying patient's medical use of~~  
13          ~~cannabis;~~

14          ~~(3) Transferring the cannabis to a testing facility;~~

15          ~~(4) Compensating a dispensary or a testing facility for goods or services provided;~~

16          ~~(5) Selling, transferring, or delivering cannabis seeds produced by the cardholder to a~~  
17          ~~cultivation facility or dispensary; or~~

18          ~~(6) Offering or providing cannabis to a cardholder for a registered qualifying patient's~~  
19          ~~medical use, to a nonresident cardholder, or to a dispensary if nothing of value is~~  
20          ~~transferred in return and the person giving the cannabis does not knowingly cause~~  
21          ~~the recipient to possess more than the allowable amount of cannabis.~~

22   **Section 4. That § 34-20G-3 be REPEALED.**

23           ~~No nonresident cardholder is subject to arrest, prosecution, or penalty in any~~  
24           ~~manner, or denied any right or privilege, including civil penalty or disciplinary action by a~~  
25           ~~business or occupational or professional licensing board or entity, for transporting,~~  
26           ~~purchasing, possessing, or using medical cannabis in accordance with this chapter if the~~  
27           ~~nonresident cardholder does not possess more than three ounces of cannabis and the~~  
28           ~~quantity of cannabis products established by rules promulgated by the department under~~  
29           ~~§ 34-20G-72.~~

30   **Section 5. That § 34-20G-4 be REPEALED.**

1           ~~There is a presumption that a qualifying patient or designated caregiver is engaged~~  
 2 ~~in the medical use of cannabis in accordance with this chapter if the cardholder is in~~  
 3 ~~possession of a registry identification card and an amount of cannabis that does not exceed~~  
 4 ~~the allowable amount of cannabis. The presumption may be rebutted by evidence that~~  
 5 ~~conduct related to cannabis was not for the purpose of treating or alleviating a qualifying~~  
 6 ~~patient's debilitating medical condition or symptom associated with the qualifying patient's~~  
 7 ~~debilitating medical condition under this chapter.~~

8   **Section 6. That § 34-20G-5 be REPEALED.**

9           ~~No practitioner is subject to arrest, prosecution, or penalty of any kind, or denied~~  
 10 ~~any right or privilege, including civil penalty or disciplinary action by the South Dakota~~  
 11 ~~Board of Medical and Osteopathic Examiners or by any other occupational or professional~~  
 12 ~~licensing board or bureau, solely for providing written certifications or for otherwise stating~~  
 13 ~~that, in the practitioner's professional opinion, a patient is likely to receive therapeutic or~~  
 14 ~~palliative benefit from the medical use of cannabis to treat or alleviate the patient's serious~~  
 15 ~~or debilitating medical condition or symptoms associated with the serious or debilitating~~  
 16 ~~medical condition. Nothing in this chapter prevents a practitioner from being sanctioned~~  
 17 ~~for:~~

- 18       ~~(1) Issuing a written certification to a patient with whom the practitioner does not have~~  
 19           ~~a bona fide practitioner-patient relationship; or~~
- 20       ~~(2) Failing to properly evaluate a patient's medical condition.~~

21   **Section 7. That § 34-20G-5.1 be REPEALED.**

22           ~~Nothing in this chapter authorizes a practitioner to provide a written certification~~  
 23 ~~to a patient who is pregnant or breastfeeding.~~

24   **Section 8. That § 34-20G-5.2 be REPEALED.**

25           ~~If a practitioner issues a written certification under this chapter, and if the~~  
 26 ~~practitioner is neither the patient's primary care provider nor a specialty provider caring~~  
 27 ~~for the patient's debilitating medical condition, the practitioner shall, upon issuing the~~  
 28 ~~certification, provide electronic notification of the issuance:~~

- 29       ~~(1) To the patient's primary care provider; or~~
- 30       ~~(2) To the referring practitioner, if that individual is caring for the patient's debilitating~~  
 31 ~~medical condition.~~

1           ~~The patient's primary care provider or the referring practitioner shall include any~~  
2           ~~notification received in accordance with this section in the patient's medical file.~~

3           **Section 9. That § 34-20G-6 be REPEALED.**

4           ~~No person licensed by the state or any other governmental entity to engage in any~~  
5           ~~profession, occupation, or other activity is subject to disciplinary action, denial of the rights~~  
6           ~~and privileges of such license, or otherwise penalized by the licensing authority for lawfully~~  
7           ~~engaging in any activity authorized under this chapter or providing any service to a person~~  
8           ~~engaged in activity that is authorized by this chapter merely because that activity is~~  
9           ~~prohibited by federal law.~~

10          **Section 10. That § 34-20G-7 be REPEALED.**

11           ~~No person is subject to arrest, prosecution, or penalty of any kind, or may be~~  
12           ~~denied any right or privilege, including any civil penalty or disciplinary action by a court~~  
13           ~~or occupational or professional licensing board or bureau, for:~~

- 14           ~~(1) Providing or selling cannabis paraphernalia to a cardholder, nonresident~~  
15           ~~cardholder, or to a medical cannabis establishment;~~  
16           ~~(2) Being in the presence or vicinity of the medical use of cannabis that is exempt from~~  
17           ~~criminal or civil penalty by this chapter;~~  
18           ~~(3) Allowing the person's property to be used for an activity that is exempt from~~  
19           ~~criminal or civil penalty by this chapter; or~~  
20           ~~(4) Assisting a registered qualifying patient with the act of using or administering~~  
21           ~~cannabis.~~

22          **Section 11. That § 34-20G-12 be REPEALED.**

23           ~~A cardholder, nonresident cardholder, or the equivalent of a medical cannabis~~  
24           ~~establishment that is registered in another jurisdiction may sell or donate cannabis seeds~~  
25           ~~to a cultivation facility in this state.~~

26          **Section 12. That § 34-20G-13 be REPEALED.**

27           ~~Any cannabis, cannabis product, cannabis paraphernalia, or other interest in or~~  
28           ~~right to property that is possessed, owned, or used in connection with the medical use of~~  
29           ~~cannabis as allowed under this chapter, or acts incidental to such use, may not be seized~~  
30           ~~or forfeited. This chapter does not prevent the seizure or forfeiture of cannabis exceeding~~



1 ~~the amount allowed under this chapter, or prevent seizure or forfeiture if the basis for the~~  
2 ~~action is unrelated to the cannabis that is possessed, manufactured, transferred, or used~~  
3 ~~in accordance with this chapter.~~

4 **Section 13. That § 34-20G-14 be REPEALED.**

5 ~~Possession of, or application for, a registry identification card does not constitute~~  
6 ~~probable cause or reasonable suspicion, nor may it be used to support a search of the~~  
7 ~~person or property of the person possessing or applying for the registry identification card,~~  
8 ~~or otherwise subject the person or property of the person to inspection by any~~  
9 ~~governmental agency.~~

10 **Section 14. That § 34-20G-15 be REPEALED.**

11 ~~For the purposes of state law, an activity related to medical cannabis is lawful as~~  
12 ~~long as it is conducted in accordance with this chapter.~~

13 **Section 15. That § 34-20G-17 be REPEALED.**

14 ~~No contract entered into by a cardholder, a medical cannabis establishment, or~~  
15 ~~medical cannabis establishment agent, or by a person who allows property to be used for~~  
16 ~~an activity that is exempt from state criminal penalties by this chapter is unenforceable~~  
17 ~~on the basis that activity related to cannabis is prohibited by federal law.~~

18 **Section 16. That § 34-20G-18 be REPEALED.**

19 ~~This chapter does not authorize any person to engage in, and does not prevent the~~  
20 ~~imposition of any civil, criminal, or other penalty for engaging in, the following conduct:~~  
21 ~~(1) — Undertaking any task under the influence of cannabis, when doing so would~~  
22 ~~constitute negligence or professional malpractice;~~  
23 ~~(2) — Possessing cannabis or otherwise engaging in the medical use of cannabis in any~~  
24 ~~correctional facility;~~  
25 ~~(3) — Smoking or vaping cannabis:~~  
26 ~~(a) — On any form of public transportation;~~  
27 ~~(b) — In any public place or any place that is open to the public; or~~  
28 ~~(c) — If under the age of twenty one;~~  
29 ~~(4) — Operating, navigating, or being in actual physical control of any motor vehicle,~~  
30 ~~aircraft, train, or motorboat while under the influence of cannabis; or~~

1       ~~(5) — Performing any safety sensitive job under the influence of cannabis.~~

2       **Section 17. That § 34-20G-19 be REPEALED.**

3               ~~A cardholder may not be refused enrollment by a school or a lease by a landlord,~~  
4       ~~or otherwise be penalized by a school or landlord solely for the person's status as a~~  
5       ~~cardholder, unless failing to do so would violate federal law or regulations or cause the~~  
6       ~~school or landlord to lose a monetary or licensing related benefit under federal law or~~  
7       ~~regulation. This section does not prevent a landlord from imposing reasonable restrictions~~  
8       ~~on the medical use of cannabis by a cardholder who resides at the landlord's property.~~

9       **Section 18. That § 34-20G-20 be REPEALED.**

10               ~~For the purposes of medical care, including organ and tissue transplants, a~~  
11       ~~registered qualifying patient's use of cannabis in accordance with this chapter is~~  
12       ~~considered the equivalent of the authorized use of any other medication used at the~~  
13       ~~discretion of a practitioner and does not constitute the use of an illicit substance or~~  
14       ~~otherwise disqualify a qualifying patient from needed medical care.~~

15       **Section 19. That § 34-20G-21 be REPEALED.**

16               ~~No person may be denied custody of, visitation rights with, or parenting time with~~  
17       ~~a minor solely because the person is a cardholder. There is no presumption of neglect or~~  
18       ~~child endangerment for conduct allowed under this chapter, unless the person's behavior~~  
19       ~~creates an unreasonable danger to the safety of the minor. Nothing in this chapter~~  
20       ~~supersedes or otherwise affects custody decisions, visitation rights, or parenting time~~  
21       ~~based upon the best interests of the child.~~

22       **Section 20. That § 34-20G-22 be REPEALED.**

23               ~~Except as otherwise provided in this chapter, a registered qualifying patient who~~  
24       ~~uses cannabis for a medical purpose must be afforded the same rights under state and~~  
25       ~~local law, as the person would be afforded if the person were solely prescribed a~~  
26       ~~pharmaceutical medication, as it pertains to:~~

27       ~~(1) — Any interaction with a person's employer;~~

28       ~~(2) — Drug testing by a person's employer; or~~

29       ~~(3) — Drug testing required by any state or local law, agency, or government official.~~

1           ~~Nothing in this section prohibits adverse employment action, based solely on a~~  
2           ~~positive test result for cannabis metabolites, if the person is employed in a safety sensitive~~  
3           ~~job.~~

4           ~~Nothing in this section prohibits an employer from refusing to hire a person, based~~  
5           ~~solely on a positive test result for cannabis metabolites, if the person is seeking~~  
6           ~~employment in a safety sensitive job.~~

7           **Section 21. That § 34-20G-23 be REPEALED.**

8           ~~The rights provided by §§ 34-20G-19 to 34-20G-25, inclusive, do not apply to the~~  
9           ~~extent that they conflict with an employer's obligations under federal law or regulation or~~  
10           ~~to the extent that they would disqualify an employer from a monetary or licensing related~~  
11           ~~benefit under federal law or regulation.~~

12           **Section 22. That § 34-20G-24 be REPEALED.**

13           ~~No employer is required to allow the ingestion, possession, transfer, display, or~~  
14           ~~transportation of cannabis in any workplace or to allow any employee to work while under~~  
15           ~~the influence of cannabis.~~

16           ~~No employer is prohibited from establishing and enforcing a drug free workplace~~  
17           ~~policy, which may include a drug testing program that complies with state and federal law,~~  
18           ~~or acting with respect to an applicant or employee under the policy.~~

19           ~~No cause of action is created for employment discrimination or wrongful~~  
20           ~~termination arising from an employer's enforcement of a drug free workplace policy in~~  
21           ~~compliance with this chapter.~~

22           **Section 23. That § 34-20G-25 be REPEALED.**

23           ~~No school, landlord, or employer may be penalized or denied any benefit under~~  
24           ~~state law for enrolling, leasing to, or employing a cardholder.~~

25           **Section 24. That § 34-20G-25.1 be REPEALED.**

26           ~~A health care facility, as defined in § 34-12-1.1, an accredited prevention or~~  
27           ~~treatment facility, as defined in § 34-20A-2, a mental health center, as defined in § 27A-~~  
28           ~~1-1, a child welfare agency, as defined in § 26-6-1, or a community support provider or~~  
29           ~~community services provider, as defined in § 27B-1-17, may adopt restrictions on the use~~  
30           ~~of medical cannabis by a cardholder who resides at, is actively receiving treatment or care~~

1 ~~from, or is visiting the facility. The restrictions may include a provision that the facility will~~  
2 ~~not store or maintain the cardholder's supply of medical cannabis, that the facility is not~~  
3 ~~responsible for providing the medical cannabis for cardholders, and that the medical~~  
4 ~~cannabis be used only in a place specified by the facility. Nothing in this section requires~~  
5 ~~a facility to adopt such restrictions or requires a facility to allow the consumption of~~  
6 ~~medical cannabis on the grounds of the facility.~~

7 ~~No employee or agent of a facility may be subject to arrest, prosecution, or penalty~~  
8 ~~of any kind, or may be denied any right or privilege, including any civil penalty or~~  
9 ~~disciplinary action by a court or occupational or professional licensing board for possession~~  
10 ~~of medical cannabis while carrying out employment duties, including providing or~~  
11 ~~supervising care to a cardholder, or distribution of medical cannabis to a cardholder who~~  
12 ~~resides at or is actively receiving treatment or care at the facility with which the employee~~  
13 ~~or agent is affiliated.~~

14 **Section 25. That § 34-20G-27 be REPEALED.**

15 ~~Nothing in this chapter requires:~~

- 16 ~~(1) A government medical assistance program or private health insurer, workers'~~  
17 ~~compensation insurance carrier, or self-insured employer providing workers'~~  
18 ~~compensation benefits, to reimburse a person for costs associated with the medical~~  
19 ~~use of cannabis;~~
- 20 ~~(2) Any person or establishment in lawful possession of property to allow a guest,~~  
21 ~~client, customer, or other visitor to smoke or vape cannabis on or in that property;~~
- 22 ~~(3) A landlord to allow the cultivation of cannabis on the rental property; or~~
- 23 ~~(4) A state or local government to allow any conduct otherwise permitted by this~~  
24 ~~chapter within a building owned, leased, or occupied by the state or local~~  
25 ~~government.~~

26 **Section 26. That § 34-20G-28 be REPEALED.**

27 ~~Nothing in this chapter prohibits an employer from disciplining an employee for~~  
28 ~~ingesting cannabis in the workplace or for working while under the influence of cannabis.~~

29 **Section 27. That § 34-20G-28.1 be REPEALED.**

30 ~~Each application for a registry identification card and each application for a card~~  
31 ~~renewal must include a notice that:~~

- 1       ~~(1) The Gun Control Act of 1968, 18 U.S.C. § 922 (January 1, 2024), prohibits any~~
- 2           ~~person who is an unlawful user of or addicted to any controlled substance, as~~
- 3           ~~defined by the Controlled Substances Act of 1970, 21 U.S.C. § 801, et seq.,~~
- 4           ~~(January 1, 2024), from shipping, transporting, receiving, or possessing a firearm~~
- 5           ~~or ammunition;~~
- 6       ~~(2) Until marijuana is legalized under federal law, an individual who is a current user~~
- 7           ~~of marijuana is, under federal law, an unlawful user of a controlled substance; and~~
- 8       ~~(3) Federal law does not exempt the use of marijuana for medicinal purposes.~~

9       **Section 28. That § 34-20G-29 be REPEALED.**

10           ~~The department shall issue a registry identification card to a qualifying patient who~~  
 11           ~~submits the following, in accordance with rules promulgated by the department:~~

- 12       ~~(1) A written certification issued by a practitioner within ninety days immediately~~
- 13           ~~preceding the date of an application;~~
- 14       ~~(2) The application or renewal fee;~~
- 15       ~~(3) The name, address, and date of birth of the qualifying patient, except that if the~~
- 16           ~~applicant is homeless, no address is required;~~
- 17       ~~(4) The name, address, and telephone number of the qualifying patient's practitioner;~~
- 18       ~~(5) The name, address, and date of birth of the designated caregiver, or designated~~
- 19           ~~caregivers, chosen by the qualifying patient;~~
- 20       ~~(6) If more than one designated caregiver is designated at any given time,~~
- 21           ~~documentation demonstrating that a greater number of designated caregivers are~~
- 22           ~~needed due to the patient's age or medical condition;~~
- 23       ~~(7) The name of no more than two dispensaries that the qualifying patient designates,~~
- 24           ~~if any; and~~
- 25       ~~(8) If the qualifying patient designates a designated caregiver, a designation as to~~
- 26           ~~whether the qualifying patient or designated caregiver will be allowed under state~~
- 27           ~~law to possess and cultivate cannabis plants for the qualifying patient's medical~~
- 28           ~~use.~~

29           ~~When a practitioner conducts a follow up assessment with a patient, within sixty~~  
 30           ~~days of issuing the patient a written certification, and the purpose of the follow up~~  
 31           ~~assessment is to assess the patient's response to the use of medical cannabis and to~~  
 32           ~~determine whether to issue the patient a second written certification, the fee required~~  
 33           ~~under subdivision (2) is waived, if the patient reapplies for the second registry~~

1 identification card. A patient may only receive one fee waiver under this section per  
2 calendar year.

3 **Section 29. That § 34-20G-30 be REPEALED.**

4 If the qualifying patient is unable to submit the information required by ~~§ 34-20G-~~  
5 ~~29~~ due to the person's age or medical condition, the person responsible for making medical  
6 decisions for the qualifying patient may do so on behalf of the qualifying patient.

7 **Section 30. That § 34-20G-31 be REPEALED.**

8 Except as provided in ~~§ 34-20G-32~~, the department shall:  
9 (1) ~~Verify the information contained in an application or renewal submitted pursuant~~  
10 ~~to this chapter and approve or deny an application or renewal within fifteen days~~  
11 ~~of receiving a completed application or renewal application;~~  
12 (2) ~~Issue registry identification cards to a qualifying patient and to a qualifying~~  
13 ~~patient's designated caregivers, if any, within five days of approving the application~~  
14 ~~or renewal. A designated caregiver shall have a registry identification card for each~~  
15 ~~of the qualifying patients; and~~  
16 (3) ~~Enter the registry identification number of any dispensary the patient designates~~  
17 ~~into the verification system.~~

18 **Section 31. That § 34-20G-32 be REPEALED.**

19 The department may conduct a background check of a designated caregiver in  
20 order to carry out the provisions of ~~§ 34-20G-31~~.

21 **Section 32. That § 34-20G-33 be REPEALED.**

22 The department may not issue a registry identification card to a qualifying patient  
23 who is younger than eighteen years of age unless:  
24 (1) ~~The qualifying patient's practitioner has explained the potential risks and benefits~~  
25 ~~of the medical use of cannabis to the custodial parent or legal guardian with~~  
26 ~~responsibility for health care decisions for the qualifying patient; and~~  
27 (2) ~~The custodial parent or legal guardian with responsibility for health care decisions~~  
28 ~~for the qualifying patient consents in writing to:~~  
29 (a) ~~Allow the qualifying patient's medical use of cannabis;~~  
30 (b) ~~Serve as the qualifying patient's designated caregiver; and~~

1                   ~~(c) — Control the acquisition of the cannabis, the dosage, and the frequency of~~  
2                   ~~the medical use of cannabis by the qualifying patient.~~

3     **Section 33. That § 34-20G-34 be REPEALED.**

4                   ~~The department may deny an application or renewal of a qualifying patient's~~  
5     ~~registry identification card only if the applicant:~~

6                   ~~(1) — Does not provide the required information, fee, or materials;~~

7                   ~~(2) — Does not meet the requirement to obtain a registry identification card as defined~~  
8                   ~~in § 34-20G-1;~~

9                   ~~(3) — Previously had a registry identification card revoked; or~~

10                  ~~(4) — Provided false information.~~

11    **Section 34. That § 34-20G-35 be REPEALED.**

12                  ~~The department may deny an application or renewal for a designated caregiver~~  
13     ~~chosen by a qualifying patient whose registry identification card was granted only if:~~

14                  ~~(1) — The designated caregiver does not meet the requirements of a designated~~  
15                  ~~caregiver as defined in § 34-20G-1;~~

16                  ~~(2) — The applicant does not provide the information required;~~

17                  ~~(3) — The designated caregiver previously had a registry identification card revoked; or~~

18                  ~~(4) — The applicant or the designated caregiver provide false information.~~

19    **Section 35. That § 34-20G-36 be REPEALED.**

20                  ~~The department shall give written notice to the qualifying patient of the reason for:~~

21                  ~~(1) — Denying a registry identification card to the qualifying patient or to the qualifying~~  
22                  ~~patient's designated caregiver; or~~

23                  ~~(2) — Revoking the registry identification card of the qualifying patient or the qualifying~~  
24                  ~~patient's designated caregiver.~~

25    **Section 36. That § 34-20G-37 be REPEALED.**

26                  ~~Denial of an application or renewal under § 34-20G-34 or 34-20G-35 is considered~~  
27     ~~a final department action, subject to judicial review.~~

28    **Section 37. That § 34-20G-42 be REPEALED.**

29                  ~~A registry identification card shall contain all of the following:~~

- 1       ~~(1) — The name of the cardholder;~~  
 2       ~~(2) — A designation of whether the cardholder is a qualifying patient or a designated~~  
 3           ~~caregiver;~~  
 4       ~~(3) — The date of issuance and expiration date of the registry identification card;~~  
 5       ~~(4) — A random ten digit alphanumeric identification number, containing at least four~~  
 6           ~~numbers and at least four letters, that is unique to the cardholder;~~  
 7       ~~(5) — If the cardholder is a designated caregiver, the random identification number of~~  
 8           ~~the qualifying patient the designated caregiver will assist;~~  
 9       ~~(6) — A clear indication of whether the cardholder has been designated to cultivate~~  
 10           ~~cannabis plants for the qualifying patient's medical use;~~  
 11       ~~(7) — A photograph of the cardholder; and~~  
 12       ~~(8) — The phone number or website address where the card can be verified.~~

13       **Section 38. That § 34-20G-43 be REPEALED.**

14           ~~The registry identification card of a qualifying patient and designated caregiver, if~~  
 15           ~~any, expires on the date noted by the practitioner in the qualifying patient's written~~  
 16           ~~certification, not to exceed one year after the date of issue.~~

17       **Section 39. That § 34-20G-44 be REPEALED.**

18           ~~The department shall maintain a confidential list of:~~  
 19           ~~(a) — The name, address, phone number, and registry identification card number of each~~  
 20           ~~person to whom the department has issued a registry identification card; and~~  
 21           ~~(b) — The name, address, and phone number of a registered qualifying patient's parent~~  
 22           ~~or legal guardian if the patient is under age eighteen.~~

23           ~~The list may not be combined or linked in any manner with any other list or~~  
 24           ~~database, nor may it be used for any purpose not provided for in this chapter.~~

25       **Section 40. That § 34-20G-45 be REPEALED.**

26           ~~Within one hundred twenty days of July 1, 2021, the department shall establish a~~  
 27           ~~secure phone or web based verification system. The verification system shall allow law~~  
 28           ~~enforcement personnel and medical cannabis establishments to enter a registry~~  
 29           ~~identification number and determine whether the number corresponds with a current, valid~~  
 30           ~~registry identification card. The system may disclose only:~~

- 31       ~~(1) — Whether the identification card is valid;~~



- 1       ~~(2) — The name of the cardholder;~~
- 2       ~~(3) — Whether the cardholder is a qualifying patient or a designated caregiver;~~
- 3       ~~(4) — Whether the cardholder is permitted to cultivate cannabis plants;~~
- 4       ~~(5) — The registry identification number of any affiliated registered qualifying patient;~~
- 5               ~~and~~
- 6       ~~(6) — The registry identification of the qualifying patient's dispensary or dispensaries, if~~
- 7               ~~any.~~

8       **Section 41. That § 34-20G-46 be REPEALED.**

9               ~~The following notifications are required:~~

- 10       ~~(1) — A registered qualifying patient shall notify the department of any change in the~~
- 11               ~~applicant's name or address, or if the patient ceases to have a debilitating medical~~
- 12               ~~condition, within ten days of the change;~~
- 13       ~~(2) — A registered designated caregiver shall notify the department of any change in the~~
- 14               ~~caregiver's name or address, or if the caregiver becomes aware the qualifying~~
- 15               ~~patient passed away, within ten days of the change;~~
- 16       ~~(3) — Before a registered qualifying patient changes a designated caregiver, the patient~~
- 17               ~~shall notify the department;~~
- 18       ~~(4) — If a registered qualifying patient changes a preference as to who may cultivate~~
- 19               ~~cannabis for the patient, the patient shall notify the department;~~
- 20       ~~(5) — If a cardholder loses a registry identification card, the cardholder shall notify the~~
- 21               ~~department within ten days of becoming aware the card has been lost; and~~
- 22       ~~(6) — Before a registered qualifying patient changes a designated dispensary, the patient~~
- 23               ~~shall notify the department.~~

24       **Section 42. That § 34-20G-47 be REPEALED.**

25               ~~Any notification that a registered qualifying patient is required to make under this~~

26       ~~chapter may be made by the patient's designated caregiver if the qualifying patient is~~

27       ~~unable to make the notification due to age or medical condition.~~

28       **Section 43. That § 34-20G-48 be REPEALED.**

29               ~~If a cardholder notifies the department of any item listed in § 34-20G-46, but~~

30       ~~remains eligible under this chapter, the department shall issue the cardholder a new~~

31       ~~registry identification card with a new random ten digit alphanumeric identification~~

1       ~~number within ten days of receiving the updated information and a twenty dollar fee. If~~  
 2       ~~the person notifying the department is a registered qualifying patient, the department~~  
 3       ~~shall also issue the patient's registered designated caregiver, if any, a new registry~~  
 4       ~~identification card within ten days of receiving the updated information.~~

5       **Section 44. That § 34-20G-49 be REPEALED.**

6               ~~A registry identification card is void if the certifying practitioner notifies the~~  
 7       ~~department in writing that:~~

8       ~~(1) The registered qualifying patient has ceased to suffer from a debilitating medical~~  
 9       ~~condition; or~~

10       ~~(2) The practitioner no longer believes the patient would receive therapeutic or~~  
 11       ~~palliative benefit from the medical use of cannabis.~~

12               ~~The registered qualifying patient has fifteen days to dispose of any cannabis in the~~  
 13       ~~registered qualifying patient's possession.~~

14       **Section 45. That § 34-20G-50 be REPEALED.**

15               ~~A medical cannabis establishment shall notify the department within one business~~  
 16       ~~day of any theft or significant loss of cannabis.~~

17       **Section 46. That § 34-20G-51 be REPEALED.**

18               ~~Except as provided in § 34-20G-18 and this section, a person may assert the~~  
 19       ~~medical purpose for using cannabis as a defense to any prosecution involving cannabis,~~  
 20       ~~and such defense is presumed valid where the evidence shows that:~~

21       ~~(1) A practitioner has stated that, in the practitioner's professional opinion, after~~  
 22       ~~having completed a full assessment of the person's medical history and current~~  
 23       ~~medical condition made in the course of a bona fide practitioner-patient~~  
 24       ~~relationship, the patient has a debilitating medical condition and the potential~~  
 25       ~~benefits of using cannabis for medical purposes would likely outweigh the health~~  
 26       ~~risks for the person;~~

27       ~~(2) The person was in possession of no more than three ounces of cannabis, the~~  
 28       ~~amount of cannabis products allowed by department rules, two flowering cannabis~~  
 29       ~~plants, two cannabis plants that are not flowering, and the cannabis produced by~~  
 30       ~~those plants;~~

- 1       ~~(3) The person was engaged in the acquisition, possession, use, manufacture,~~
- 2           ~~cultivation, or transportation of cannabis, paraphernalia, or both, relating to the~~
- 3           ~~administration of cannabis to treat or alleviate the person's debilitating medical~~
- 4           ~~condition or symptoms associated with the person's debilitating medical condition;~~
- 5           ~~and~~
- 6       ~~(4) Any cultivation of cannabis and storage of more than three ounces of cannabis~~
- 7           ~~occurred in a secure location that only the person asserting the defense could~~
- 8           ~~access.~~

9       **Section 47. That § 34-20G-52 be REPEALED.**

10           ~~An affirmative defense and motion to dismiss shall fail if the prosecution proves~~  
11       ~~that:~~

- 12       ~~(1) The person had a registry identification card revoked for misconduct; or~~
- 13       ~~(2) The purpose for the possession or cultivation of cannabis was not solely for~~
- 14           ~~palliative or therapeutic use by the person with a debilitating medical condition who~~
- 15           ~~raised the defense.~~

16       **Section 48. That § 34-20G-53 be REPEALED.**

17           ~~A person is not required to possess a registry identification card to raise the~~  
18       ~~affirmative defense set forth in § 34-20G-51.~~

19       **Section 49. That § 34-20G-54 be REPEALED.**

20           ~~If a person demonstrates the person's medical purpose for using cannabis pursuant~~  
21       ~~to this chapter, except as provided in § 34-20G-18, the person is not subject to the~~  
22       ~~following for the person's use of cannabis for medical purposes:~~

- 23       ~~(1) Disciplinary action by an occupational or professional licensing board or bureau; or~~
- 24       ~~(2) Forfeiture of any interest in or right to any property other than cannabis.~~

25       **Section 50. That § 34-20G-55 be REPEALED.**

26           ~~Not later than ninety days after receiving an application for a medical cannabis~~  
27       ~~establishment, the department shall register the prospective medical cannabis~~  
28       ~~establishment and issue a registration certificate and a random ten digit alphanumeric~~  
29       ~~identification number if all of the following conditions are satisfied:~~

- 30       ~~(1) The prospective medical cannabis establishment has submitted all of the following:~~

- 1           (a) ~~— The application fee;~~
- 2           (b) ~~— An application, including:~~
  - 3               (i) ~~— The legal name of the prospective medical cannabis establishment;~~
  - 4               (ii) ~~— The physical address of the prospective medical cannabis~~  
5                       ~~establishment that is not within one thousand feet of a public or~~  
6                       ~~private school existing before the date of the medical cannabis~~  
7                       ~~establishment application;~~
  - 8               (iii) ~~— The name and date of birth of each principal officer and board~~  
9                       ~~member of the proposed medical cannabis establishment; and~~
  - 10              (iv) ~~— Any additional information requested by the department;~~
- 11          (c) ~~— Operating procedures consistent with rules for oversight of the proposed~~  
12               ~~medical cannabis establishment, including procedures to ensure accurate~~  
13               ~~record keeping and adequate security measures;~~
- 14          (d) ~~— If the city or county where the proposed medical cannabis establishment~~  
15               ~~would be located has enacted zoning restrictions, a sworn statement~~  
16               ~~certifying that the proposed medical cannabis establishment does not~~  
17               ~~violate the restrictions;~~
- 18          (e) ~~— If the city or county where the proposed medical cannabis establishment~~  
19               ~~requires a local registration, license, or permit, a copy of the registration,~~  
20               ~~license, or permit;~~
- 21          (2) ~~— None of the principal officers or board members has served as a principal officer or~~  
22               ~~board member for a medical cannabis establishment that has had its registration~~  
23               ~~certificate revoked;~~
- 24          (3) ~~— None of the principal officers or board members is under twenty one years of age;~~  
25               ~~and~~
- 26          (4) ~~— At least one principal officer is a resident of this state.~~

27   **Section 51. That § 34-20G-56 be REPEALED.**

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

32           ~~If the governing body of a municipality has enacted a numerical limit on the number~~  
33           ~~of medical cannabis establishments in the municipality, and a greater number of applicants~~

1 seek registration, the department shall solicit and consider input from the municipality as  
2 to its preference for registration.

3 **Section 52. That § 34-20G-57 be REPEALED.**

4 The department shall issue a renewal registration certificate within forty five days  
5 of receipt of the prescribed renewal application and renewal fee from a medical cannabis  
6 establishment.

7 **Section 53. That § 34-20G-58 be REPEALED.**

8 The governing body of a municipality may enact an ordinance not in conflict with  
9 this chapter, regardless of whether it has enacted a zoning ordinance pursuant to title 11,  
10 imposing:

- 11 (1) Restrictions on a medical cannabis establishment to govern the time, place, and  
12 manner of operation;
- 13 (2) A limit on the number of medical cannabis establishments in the municipality;
- 14 (3) Reasonable setback requirements;
- 15 (4) Limitations on the proximity of a medical cannabis establishment to:
  - 16 (a) Any sensitive land use area, including a childcare facility, park, public  
17 service facility, recreational facility, religious facility, school, and any  
18 location frequented by individuals under the age of twenty one; or
  - 19 (b) Any other medical cannabis establishment;
- 20 (5) Requirements for a medical cannabis establishment to obtain a local license,  
21 permit, or registration to operate; or
- 22 (6) Reasonable fees for any local license, permit, or registration.

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

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

29 **Section 54. That § 34-20G-59 be REPEALED.**

1           ~~No county or municipality may prohibit a dispensary, either expressly or through~~  
2           ~~the enactment of an ordinance that makes the operation of the dispensary impracticable~~  
3           ~~in the county or municipality.~~

4           **Section 55. That § 34-20G-61 be REPEALED.**

5           ~~Each medical cannabis establishment shall conduct a background check into the~~  
6           ~~criminal history of each person seeking to become a principal officer, board member,~~  
7           ~~agent, volunteer, or employee before the person begins working at the medical cannabis~~  
8           ~~establishment.~~

9           **Section 56. That § 34-20G-62 be REPEALED.**

10           ~~A medical cannabis establishment may not employ any person who:~~  
11           ~~(1) Was convicted of a disqualifying felony offense; or~~  
12           ~~(2) Is under twenty one years of age.~~

13           **Section 57. That § 34-20G-63 be REPEALED.**

14           ~~Each medical cannabis establishment shall have operating documents that include~~  
15           ~~procedures for the oversight of the medical cannabis establishment and procedures to~~  
16           ~~ensure accurate record keeping.~~

17           **Section 58. That § 34-20G-64 be REPEALED.**

18           ~~A medical cannabis establishment shall implement appropriate security measures~~  
19           ~~designed to deter and prevent the theft of cannabis and unauthorized entrance into any~~  
20           ~~area containing cannabis.~~

21           **Section 59. That § 34-20G-65 be REPEALED.**

22           ~~All cultivation, harvesting, manufacturing and packaging of cannabis shall take~~  
23           ~~place in a secure facility at a physical address provided to the department during the~~  
24           ~~registration process. The secure facility may only be accessed by agents of the medical~~  
25           ~~cannabis establishment, emergency personnel, and adults who are twenty one years of~~  
26           ~~age and older and who are accompanied by a medical cannabis establishment agent.~~

27           **Section 60. That § 34-20G-65.1 be REPEALED.**

1 ~~A sample of cannabis or cannabis products submitted to a testing facility must be~~  
2 ~~collected by a designated representative of the testing facility.~~

3 ~~A medical cannabis establishment shall ensure that testing is conducted on a~~  
4 ~~sample of cannabis or cannabis product immediately prior to the transfer of the cannabis~~  
5 ~~for retail sale or cannabis product in final form to another medical cannabis establishment.~~

6 **Section 61. That § 34-20G-66 be REPEALED.**

7 ~~No medical cannabis establishment other than a cannabis product manufacturer~~  
8 ~~may produce cannabis concentrates, cannabis extractions, or other cannabis products.~~

9 **Section 62. That § 34-20G-67 be REPEALED.**

10 ~~A medical cannabis establishment may not share office space with or refer a patient~~  
11 ~~to a practitioner.~~

12 **Section 63. That § 34-20G-68 be REPEALED.**

13 ~~A medical cannabis establishment may not permit any person to consume cannabis~~  
14 ~~on the property of a medical cannabis establishment.~~

15 **Section 64. That § 34-20G-69 be REPEALED.**

16 ~~A medical cannabis establishment is subject to inspection by the department during~~  
17 ~~business hours.~~

18 **Section 65. That § 34-20G-70 be REPEALED.**

19 ~~A dispensary may not dispense more than three ounces of cannabis or a cannabis~~  
20 ~~product to a registered qualifying patient or a nonresident cardholder, directly or via a~~  
21 ~~designated caregiver, in any fourteen-day period.~~

22 ~~Before cannabis or a cannabis product may be dispensed to a cardholder or~~  
23 ~~nonresident cardholder, a dispensary agent must verify:~~

24 (1) ~~That the registry identification card or registration presented to the dispensary is~~  
25 ~~valid;~~

26 (2) ~~The identity of the person by requiring the person to present a valid photographic~~  
27 ~~identification document issued by this state, another state, tribe, or the federal~~  
28 ~~government; and~~

1       ~~(3) Through the department's inventory tracking system, that the registered qualifying~~  
 2           ~~patient or nonresident cardholder has not exceeded the allowable limit of cannabis~~  
 3           ~~or cannabis product in the applicable fourteen day period.~~

4           ~~A dispensary agent may not dispense an amount of cannabis or cannabis product~~  
 5       ~~to a person that would cause the person to possess more than the allowable amount of~~  
 6       ~~cannabis.~~

7       **Section 66. That § 34-20G-71 be REPEALED.**

8           ~~A dispensary shall maintain internal, confidential records specifying how much~~  
 9       ~~cannabis is dispensed to a nonresident cardholder or registered qualifying patient and~~  
 10       ~~whether it is dispensed directly to a registered qualifying patient or to the designated~~  
 11       ~~caregiver.~~

12       **Section 67. That § 34-20G-72 be REPEALED.**

13           ~~The department shall promulgate rules pursuant to chapter 1-26:~~

14       ~~(1) Establishing the form and content of registration and renewal applications~~  
 15           ~~submitted under this chapter and include the notice requirements set forth in § 34-~~  
 16           ~~20G-28.1;~~

17       ~~(2) Establishing a system to numerically score competing medical cannabis~~  
 18           ~~establishment applicants, in cases where more applicants apply than are allowed~~  
 19           ~~by the local government, that includes analysis of:~~

20           ~~(a) The preference of the local government;~~

21           ~~(b) In the case of dispensaries, the suitability of the proposed location and its~~  
 22           ~~accessibility for patients;~~

23           ~~(c) The character, veracity, background, qualifications, and relevant experience~~  
 24           ~~of principal officers and board members; and~~

25           ~~(d) The business plan proposed by the applicant, that in the case of a cultivation~~  
 26           ~~facility or dispensary shall include the ability to maintain an adequate supply~~  
 27           ~~of cannabis, plans to ensure safety and security of patrons and the~~  
 28           ~~community, procedures to be used to prevent diversion, and any plan for~~  
 29           ~~making cannabis available to low income registered qualifying patients;~~

30       ~~(3) Governing the manner in which the department shall consider applications for and~~  
 31           ~~renewals of registry identification cards, that may include creating a standardized~~  
 32           ~~written certification form;~~



- 1       ~~(4) — Governing medical cannabis establishments to ensure the health and safety of~~  
2       ~~qualifying patients and prevent diversion and theft without imposing an undue~~  
3       ~~burden or compromising the confidentiality of a cardholder, including:~~
- 4       ~~(a) — Oversight requirements;~~
  - 5       ~~(b) — Record keeping requirements;~~
  - 6       ~~(c) — Security requirements, including lighting, physical security, and alarm~~  
7       ~~requirements;~~
  - 8       ~~(d) — Health and safety regulations, including restrictions on the use of pesticides~~  
9       ~~that are injurious to human health;~~
  - 10      ~~(e) — Standards for the manufacture of cannabis products and both the indoor~~  
11      ~~and outdoor cultivation of cannabis by a cultivation facility;~~
  - 12      ~~(f) — Requirements for the transportation and storage of cannabis by a medical~~  
13      ~~cannabis establishment;~~
  - 14      ~~(g) — Employment and training requirements, including requiring that each~~  
15      ~~medical cannabis establishment create an identification badge for each~~  
16      ~~agent;~~
  - 17      ~~(h) — Standards for the safe manufacture of cannabis products, including extracts~~  
18      ~~and concentrates;~~
  - 19      ~~(i) — Restrictions on the advertising, signage, and display of medical cannabis,~~  
20      ~~provided that the restrictions may not prevent appropriate signs on the~~  
21      ~~property of a dispensary, listings in business directories including phone~~  
22      ~~books, listings in marijuana-related or medical publications, or the~~  
23      ~~sponsorship of health or not-for-profit charity or advocacy events;~~
  - 24      ~~(j) — Requirements and procedures for the safe and accurate packaging, labeling,~~  
25      ~~distribution, and tracking of medical cannabis;~~
  - 26      ~~(k) — Certification standards for testing facilities, including requirements for~~  
27      ~~equipment and qualifications for personnel; and~~
  - 28      ~~(l) — Requirements for samples of cannabis and cannabis products submitted to~~  
29      ~~testing facilities, including batch sizes to not exceed fifty pounds of cannabis~~  
30      ~~intended for retail sale, batch sizes for homogenous cannabis products~~  
31      ~~intended for retail sale, and procedures to ensure representative sampling;~~
- 32      ~~(5) — Establishing procedures for the suspension and termination of the registry~~  
33      ~~identification cards of cardholders who commit multiple or serious violations of this~~  
34      ~~chapter;~~
- 35      ~~(6) — Establishing procedures for:~~

- 1           (a) ~~The imposition of fines, not to exceed ten thousand dollars per inspection,~~  
2           ~~on a medical cannabis establishment that is found to have committed~~  
3           ~~multiple or serious violations of this chapter; and~~
- 4           (b) ~~The probation, suspension, and termination of the registration certificate of~~  
5           ~~a medical cannabis establishment that commits multiple or serious~~  
6           ~~violations of this chapter;~~
- 7       (7) ~~Establishing labeling requirements for cannabis and cannabis products, including~~  
8       ~~requiring cannabis product labels to include the following:~~
- 9           (a) ~~The length of time it typically takes for a product to take effect;~~  
10          (b) ~~Disclosing ingredients and possible allergens;~~  
11          (c) ~~A nutritional fact panel; and~~  
12          (d) ~~Requiring that edible cannabis products be clearly identifiable, when~~  
13             ~~practicable, with a standard symbol indicating that it contains cannabis;~~
- 14       (8) ~~Establishing procedures for the registration of nonresident cardholders and the~~  
15       ~~cardholder's designation of no more than two dispensaries, which shall require the~~  
16       ~~submission of:~~
- 17           (a) ~~A practitioner's statement confirming that the patient has a debilitating~~  
18             ~~medical condition; and~~
- 19           (b) ~~Documentation demonstrating that the nonresident cardholder is allowed to~~  
20             ~~possess cannabis or cannabis preparations in the jurisdiction where the~~  
21             ~~nonresident cardholder resides;~~
- 22       (9) ~~Establishing the amount of cannabis products, including the amount of~~  
23       ~~concentrated cannabis, each cardholder and nonresident cardholder may possess;~~  
24       ~~and~~
- 25       (10) ~~Establishing application and renewal fees for registration certificates, not to exceed~~  
26       ~~twenty thousand dollars, with this upper limit adjusted annually for inflation, with~~  
27       ~~the total fees collected sufficient to offset all costs related to program~~  
28       ~~implementation and administration; and~~
- 29       (11) ~~Establishing application and renewal fees for registry identification cards and~~  
30       ~~nonresident cardholder registration as follows:~~
- 31           (a) ~~Using a sliding scale of patient application and renewal fees based upon a~~  
32             ~~qualifying patient's household income;~~
- 33           (b) ~~The fees charged to qualifying patients, nonresident cardholders, and~~  
34             ~~caregivers may not be greater than the costs of processing the application~~  
35             ~~and issuing a registry identification card or registration; and~~

1           ~~(c) — The department may accept donations from private sources to reduce~~  
2           ~~application and renewal fees.~~

3           ~~A violation of a required or prohibited action under any rule authorized by this~~  
4           ~~section is a Class 2 misdemeanor.~~

5           **Section 68. That § 34-20G-73 be REPEALED.**

6           ~~A cardholder or medical cannabis establishment who fails to provide a notice~~  
7           ~~required by this chapter is subject to a civil penalty of no more than one hundred fifty~~  
8           ~~dollars. Any civil penalty collected shall be deposited in the state general fund.~~

9           **Section 69. That § 34-20G-74 be REPEALED.**

10           ~~In addition to any other penalty under law, a medical cannabis establishment or~~  
11           ~~an agent of a medical cannabis establishment who intentionally sells or otherwise transfers~~  
12           ~~cannabis in exchange for anything of value to a person other than a cardholder, a~~  
13           ~~nonresident cardholder, or to a medical cannabis establishment or its agent is guilty of a~~  
14           ~~Class 6 felony. A person convicted under this section may not continue to be affiliated with~~  
15           ~~the medical cannabis establishment and is disqualified from any future affiliation with any~~  
16           ~~medical cannabis establishment under this chapter.~~

17           **Section 70. That § 34-20G-75 be REPEALED.**

18           ~~In addition to any other penalty under law, a cardholder or nonresident cardholder~~  
19           ~~who intentionally sells or otherwise transfers cannabis in exchange for anything of value~~  
20           ~~to a person other than a cardholder, a nonresident cardholder, or to a medical cannabis~~  
21           ~~establishment or its agent is guilty of a Class 6 felony.~~

22           **Section 71. That § 34-20G-76 be REPEALED.**

23           ~~A person who intentionally makes a false statement to a law enforcement official~~  
24           ~~about any fact or circumstance relating to the medical use of cannabis to avoid arrest or~~  
25           ~~prosecution is guilty of a Class 2 misdemeanor. The penalty is in addition to any other~~  
26           ~~penalty that may apply for making a false statement or for the possession, cultivation, or~~  
27           ~~sale of cannabis not protected by this chapter. If a person convicted of violating this~~  
28           ~~section is a cardholder, the person is disqualified from being a cardholder under this~~  
29           ~~chapter.~~

1 **Section 72. That § 34-20G-77 be REPEALED.**

2 ~~A person who knowingly submits false records or documentation required by the~~  
3 ~~department to certify a medical cannabis establishment under this chapter is guilty of~~  
4 ~~Class 6 felony.~~

5 **Section 73. That § 34-20G-78 be REPEALED.**

6 ~~A practitioner is guilty of a Class 2 misdemeanor if the practitioner:~~  
7 ~~(1) Knowingly refers a patient to a medical cannabis establishment or to a designated~~  
8 ~~caregiver in exchange for financial consideration;~~  
9 ~~(2) Advertises in a medical cannabis establishment;~~  
10 ~~(3) Issues written certifications while holding a financial interest in a medical cannabis~~  
11 ~~establishment;~~  
12 ~~(4) Offers a discount, deal, or other financial incentive for making an appointment with~~  
13 ~~the practitioner for the purpose of receiving a written certification;~~  
14 ~~(5) Conducts the medical assessment required for a bona fide practitioner-patient~~  
15 ~~relationship in a space licensed for the sale of alcoholic beverages; or~~  
16 ~~(6) Charges a patient based on the term of a written certification issued to the patient.~~

17 **Section 74. That § 34-20G-78.1 be REPEALED.**

18 ~~An entity is guilty of a Class 2 misdemeanor if the entity:~~  
19 ~~(1) Offers a discount, deal, or other financial incentive for making an appointment with~~  
20 ~~a practitioner for the purpose of receiving a written certification; or~~  
21 ~~(2) Charges a practitioner's patient based on the duration of a written certification~~  
22 ~~issued to the patient.~~

23 **Section 75. That § 34-20G-78.2 be REPEALED.**

24 ~~If a practitioner or an immediate family member of the practitioner has a financial~~  
25 ~~relationship with a medical cannabis clinic, the practitioner may not knowingly refer a~~  
26 ~~patient to that clinic for the purpose of receiving a written certification under this chapter.~~  
27 ~~For purposes of this section, a "financial relationship" means an ownership or~~  
28 ~~investment interest in the medical cannabis clinic, or a compensation arrangement~~  
29 ~~between the practitioner or the practitioner's immediate family member and the clinic.~~

1 ~~An ownership or investment interest may be through equity, debt, or other means~~  
2 ~~and includes an interest in an entity that holds an ownership or investment interest in the~~  
3 ~~medical cannabis clinic.~~

4 ~~The prohibition of this section does not apply:~~

5 ~~(1) If the services offered at the medical cannabis clinic are being provided by another~~  
6 ~~practitioner in the same group practice as the referring practitioner;~~

7 ~~(2) To a compensation arrangement, between the practitioner or the practitioner's~~  
8 ~~immediate family member and the medical cannabis clinic, consisting of payments~~  
9 ~~under the terms of a written lease that:~~

10 ~~(a) Is signed by all the parties;~~

11 ~~(b) Specifies the premises covered by the lease, provided the premises do not~~  
12 ~~exceed the space that is reasonable and necessary for the legitimate~~  
13 ~~business purposes of the lease and further provided that the premises, aside~~  
14 ~~from common areas, are used exclusively by the lessee;~~

15 ~~(c) Has a duration of at least twelve months; and~~

16 ~~(d) Specifies the rental charges over the term of the lease, provided the charges~~  
17 ~~are consistent with fair market value, and are not determined in a manner~~  
18 ~~that takes into account the volume or value of any referrals or other~~  
19 ~~business generated between the parties;~~

20 ~~(3) To a bona fide employment relationship under which an immediate family member~~  
21 ~~of the practitioner is employed by the clinic for identifiable services, and receives~~  
22 ~~remuneration for those services in an amount that:~~

23 ~~(a) Is consistent with the fair market value of the services; and~~

24 ~~(b) Is not determined in a manner that takes into account, directly or indirectly,~~  
25 ~~the volume or value of any referrals by the referring practitioner; and~~

26 ~~(4) To an isolated transaction, such as a one-time sale of property.~~

27 ~~Any practitioner who knowingly refers a patient to a medical cannabis clinic, with~~  
28 ~~which the practitioner or an immediate family member of the practitioner has a financial~~  
29 ~~relationship, is guilty of a Class 2 misdemeanor.~~

30 **Section 76. That § 34-20G-79 be REPEALED.**

31 ~~It is a Class 2 misdemeanor for any person, including an employee or official of the~~  
32 ~~department or another state agency or local government, to breach the confidentiality of~~  
33 ~~information obtained under this chapter.~~

1 **Section 77. That § 34-20G-80 be REPEALED.**

2 ~~The department may, after notice and hearing in accordance with chapter 1-26,~~  
3 ~~impose probation, impose a fine, suspend, or revoke a registration certificate for multiple~~  
4 ~~negligent or knowing violations of this chapter, or for a serious and knowing violation of~~  
5 ~~this chapter, by the registrant or any of its agents.~~

6 The department may not:

7 (1) ~~Impose a probation period that exceeds six months; or~~

8 (2) ~~Suspend a registration certificate for a period that exceeds six months, except for~~  
9 ~~a serious violation of patient health and safety, in which case the suspension may~~  
10 ~~not exceed one year.~~

11 **Section 78. That § 34-20G-81 be REPEALED.**

12 ~~The department shall provide notice of probation, fine, suspension, or revocation~~  
13 ~~by mailing the same in writing to the medical cannabis establishment at the address on~~  
14 ~~the registration certificate.~~

15 **Section 79. That § 34-20G-82 be REPEALED.**

16 ~~A medical cannabis establishment may continue to possess cannabis during a~~  
17 ~~suspension, but it may not dispense, transfer, or sell cannabis. A cultivation facility may~~  
18 ~~continue to cultivate and possess cannabis plants during a suspension, but it may not~~  
19 ~~dispense, transfer, or sell cannabis.~~

20 **Section 80. That § 34-20G-83 be REPEALED.**

21 ~~The department shall immediately revoke the registry identification card of any~~  
22 ~~cardholder who sells cannabis to a person who is not allowed to possess cannabis for~~  
23 ~~medical purposes under this chapter, and the cardholder is disqualified from being a~~  
24 ~~cardholder under this chapter.~~

25 **Section 81. That § 34-20G-84 be REPEALED.**

26 ~~The department may revoke the registry identification card of any cardholder who~~  
27 ~~knowingly commits multiple unintentional violations or a serious knowing violation of this~~  
28 ~~chapter.~~

29 **Section 82. That § 34-20G-85 be REPEALED.**

1           ~~Revocation under § 34-20G-80, 34-20G-83, or 34-20G-84 is a final decision of the~~  
2           ~~department subject to judicial review.~~

3           **Section 83. That § 34-20G-86 be REPEALED.**

4           ~~Data in a registration application and supporting data submitted by a qualifying~~  
5           ~~patient, designated caregiver, nonresident cardholder, or medical cannabis establishment,~~  
6           ~~including data on designated caregiver or practitioner, is not a public record open to public~~  
7           ~~access, inspection, or copying under chapter 1-27. All other public records concerning~~  
8           ~~registered medical cannabis establishments are governed by chapter 1-27.~~

9           **Section 84. That § 34-20G-87 be REPEALED.**

10           ~~Except as provided in § 34-20E-2, data kept or maintained by the department may~~  
11           ~~not be used for any purpose not provided for in this chapter and may not be combined or~~  
12           ~~linked in any manner with any other list or database.~~

13           **Section 85. That § 34-20G-88 be REPEALED.**

14           ~~Confidential data or data that is not a public record kept or maintained by the~~  
15           ~~department may only be disclosed as necessary to:~~

- 16           ~~(1) Verify a registration certificate or registry identification card pursuant to this~~  
17           ~~chapter;~~
- 18           ~~(2) Notify law enforcement of an apparent criminal violation of this chapter or respond~~  
19           ~~to law enforcement or prosecutorial officials engaged in the investigation or~~  
20           ~~enforcement of the criminal provisions of this chapter;~~
- 21           ~~(3) Notify state and local law enforcement about falsified or fraudulent information~~  
22           ~~submitted for the purpose of obtaining or renewing a registry identification card;~~
- 23           ~~(4) Notify the applicable licensing board if there is reason to believe that a practitioner~~  
24           ~~has violated the standard of care for evaluating a medical condition; or respond to~~  
25           ~~the board, if the board is seeking data relevant to an investigation of a person who~~  
26           ~~holds a license issued by the board;~~
- 27           ~~(5) Any judicial authority under grand jury subpoena or court order or equivalent~~  
28           ~~judicial process for investigation of criminal, civil, or administrative violations~~  
29           ~~related to the use of medical cannabis;~~
- 30           ~~(6) An authorized employee of the department performing official duties associated~~  
31           ~~with the medical cannabis program;~~

1 ~~(7) A practitioner to determine if a person in the practitioner's care engages in the~~  
2 ~~medical use of cannabis so the practitioner may assess possible drug interactions~~  
3 ~~or assess other medically necessary concerns; or~~

4 ~~(8) Comply with the reporting requirement in § 34-20G-88.1.~~

5 **Section 86. That § 34-20G-88.1 be REPEALED.**

6 ~~The department shall submit the name and date of birth of a qualifying patient who~~  
7 ~~receives a registry identification card to the prescription drug monitoring program~~  
8 ~~authorized pursuant to chapter 34-20E.~~

9 **Section 87. That § 34-20G-89 be REPEALED.**

10 ~~Except as otherwise provided in this section, information kept or maintained by a~~  
11 ~~medical cannabis establishment may identify a cardholder only by registry identification~~  
12 ~~number and may not contain names or other personally identifiable information.~~

13 ~~A cardholder may, in writing, authorize an establishment to maintain the~~  
14 ~~cardholder's name and other personally identifiable information, for the limited purpose~~  
15 ~~of receiving direct communication regarding the cardholder's:~~

16 ~~(1) Individual medical needs; or~~

17 ~~(2) Use of a specific product.~~

18 **Section 88. That § 34-20G-90 be REPEALED.**

19 ~~At the cardholder's request, the department may confirm the cardholder's status~~  
20 ~~as a registered qualifying patient or a registered designated caregiver to a third party,~~  
21 ~~such as a landlord, school, medical professional, or court.~~

22 **Section 89. That § 34-20G-91 be REPEALED.**

23 ~~Any department hard drive or other data recording media that is no longer in use~~  
24 ~~and that contains cardholder information shall be destroyed.~~

25 **Section 90. That § 34-20G-92 be REPEALED.**

26 ~~The Executive Board of the Legislative Research Council shall appoint an oversight~~  
27 ~~committee consisting of:~~

28 ~~(1) Two members of the Senate;~~

29 ~~(2) Two members of the House of Representatives;~~



- 1       ~~(3) — One physician licensed in accordance with chapter 36-4;~~
- 2       ~~(4) — One physician assistant licensed in accordance with chapter 36-4A;~~
- 3       ~~(5) — One certified nurse practitioner licensed in accordance with chapter 36-9A;~~
- 4       ~~(6) — One chief of police for a municipality having a population in excess of fifty-~~  
5               ~~thousand, or a representative of the police department designated by the chief;~~
- 6       ~~(7) — One sheriff of a county or a representative of the sheriff's office designated by the~~  
7               ~~sheriff;~~
- 8       ~~(8) — One professional counselor licensed in accordance with chapter 36-32 or one~~  
9               ~~addiction counselor licensed in accordance with chapter 36-34; and~~
- 10       ~~(9) — One qualifying patient.~~
- 11               ~~Each appointee shall serve for a term of two years and may be reappointed.~~

**Section 91. That § 34-20G-92.1 be REPEALED.**

13               ~~Beginning in 2023, and every two years thereafter, the oversight committee shall~~  
14               ~~select from among itself one legislator to serve as the chair and one legislator, from the~~  
15               ~~opposite chamber, to serve as the vice chair.~~

16               ~~Beginning in 2025, the legislators selected to serve as the chair and vice chair may~~  
17               ~~not be from the same chamber as their immediate predecessors.~~

**Section 92. That § 34-20G-93 be REPEALED.**

19               ~~The oversight committee shall meet at least two times per year for the purpose of~~  
20               ~~evaluating and making recommendations to the Legislature and the department~~  
21               ~~regarding:~~

- 22       ~~(1) — The ability of qualifying patients in all areas of the state to obtain timely access to~~  
23               ~~high-quality medical cannabis;~~
- 24       ~~(2) — The effectiveness of the dispensaries and cultivation facilities, individually and~~  
25               ~~together, in serving the needs of qualifying patients, including the provision of~~  
26               ~~educational and support services by dispensaries, the reasonableness of their~~  
27               ~~prices, whether they are generating any complaints or security problems, and the~~  
28               ~~sufficiency of the number operating to serve the state's registered qualifying~~  
29               ~~patients;~~
- 30       ~~(3) — The effectiveness of the cannabis testing facilities, including whether a sufficient~~  
31               ~~number are operating;~~

Underscores indicate new language.  
Overstrikes indicate deleted language.

1       ~~(4) The sufficiency of the regulatory and security safeguards contained in this chapter~~  
2           ~~and adopted by the department to ensure that access to and use of cannabis~~  
3           ~~cultivated is provided only to cardholders;~~

4       ~~(5) Any recommended additions or revisions to the department regulations or this~~  
5           ~~chapter, including recommendations relating to security, safe handling, labeling,~~  
6           ~~and nomenclature;~~

7       ~~(6) Any research studies regarding health effects of medical cannabis for patients; and~~

8       ~~(7) Any medical and clinical aspects of the medical cannabis program.~~

9           ~~The oversight committee shall ensure that it seeks relevant input from qualifying~~  
10          ~~patients; designated caregivers; pharmacists; school boards and administrators; parents;~~  
11          ~~municipal representatives; state agencies, including the Department of Health, the South~~  
12          ~~Dakota Division of Criminal Investigation, and the Department of Public Safety; and~~  
13          ~~medical cannabis establishments.~~

14       **Section 93. That § 34-20G-94 be REPEALED.**

15           ~~The department shall report annually to the Legislature on the number of~~  
16          ~~applications for registry identification cards received; the number of qualifying patients~~  
17          ~~and designated caregivers approved; the number of registry identification cards revoked;~~  
18          ~~the number of each type of medical cannabis establishment registered; the expenses~~  
19          ~~incurred and revenues generated from the medical cannabis program; the number of~~  
20          ~~patient cardholders by medical condition; qualifying patient demographics by age and sex;~~  
21          ~~the number and specialty of the practitioners providing written certifications; the number~~  
22          ~~of medical cannabis establishments by type; the number of licensing violations determined~~  
23          ~~by the department; the impact of medical cannabis on public safety, public health, and~~  
24          ~~behavioral health services; any other information regarding the effects of medical~~  
25          ~~cannabis on the public; and any recommendations. The department may not include~~  
26          ~~identifying information on a qualifying patient, designated caregiver, or practitioner in the~~  
27          ~~report.~~

28       **Section 94. That § 34-20G-95 be REPEALED.**

29           ~~The Department of Education and the department shall establish policy to allow~~  
30          ~~students who are medical cannabis cardholders to have their medicine administered in~~  
31          ~~school in accordance with their physician's recommendation. This policy shall be~~  
32          ~~implemented the first day of the new school year following passage of this chapter. The~~

1 ~~departments shall implement substantively identical provisions to Colorado Revised~~  
2 ~~Statute 22-1-119.3 as of January 1, 2019.~~

3 **Section 95. That § 34-20G-96 be REPEALED.**

4 ~~In order for an individual who is serving a probationary sentence under the~~  
5 ~~supervision of the Unified Judicial System or who is on conditional release or parole from~~  
6 ~~a state correctional facility under the legal custody of the Department of Corrections to~~  
7 ~~utilize medical cannabis, the individual's practitioner must attest that the use of medical~~  
8 ~~cannabis is:~~

9 ~~(1) Consistent with the medical standard of care for the treatment of the individual's~~  
10 ~~documented debilitating medical condition and any symptoms associated with the~~  
11 ~~debilitating medical condition;~~

12 ~~(2) Reasonable in light of the practitioner's observation and the individual's physical~~  
13 ~~examination, diagnostic test results, medical history, and reported symptoms; and~~

14 ~~(3) Reasonable in light of the risks and benefits of medical cannabis as compared to~~  
15 ~~the risks and benefits of other treatment options for the individual's debilitating~~  
16 ~~medical condition and any symptoms associated with the debilitating medical~~  
17 ~~condition.~~